

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 371 of 2021

Date of Decision: 16.11.2022

Surinder Kumar

... Petitioner(s)

Versus

Mohinder Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Namit Khurana, Advocate
for the petitioner(s).

Mr. Jagram Singh Cooner, Advocate
for the respondents.

Anil Kshetarpal, J.

1. While assailing the correctness of the concurrent orders passed by the trial Court as well as the First Appellate Court in dismissing the petitioner's application under Order XXXIX Rule 1 & 2 of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC"), this revision petition has been filed.

2. The petitioner claims that he is owner in possession of 1/4th share in the land comprised in khewat No. 20 along with the defendants on the basis of the sale deed dated 28.03.2003. The petitioner and the respondents are the children of Sh.Daulat Ram. As per the sale deed, the petitioner has purchased 80/887th share, whereas, the other three brothers jointly purchased the remaining 807/887th share. Thus, both the Courts below have held that no *prima facie* case lies in favour of the petitioner.

with their able assistance, perused the paper-book.

4. The learned counsel representing the petitioner submits that the respondents are threatening to alienate some part of the property, whereas, they have raised construction on a valuable portion thereof. As regards the alienation of property, if any, during the pendency of the suit, the rights of the petitioner are sufficiently protected by the principle of *lis pendens*, whereas, if any building/structure is constructed on any part of the property by the defendant, the same would, in fact, add value to the property and would not result in reduction of the value. Hence, the learned counsel representing the petitioner has failed to draw the attention of the Court to any substantive error or perversity in the order passed.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

November 16, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No