

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

295+115

**CR No.1077 of 2020 (O& M)
Date of decision : 22.9.2022**

Kashmir Kaur (deceased) through LRs

.....Petitioners

Vs.

Surinder Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. A.N. Walia, Advocate, for the petitioners

Mr. Kanwal Goyal, Advocate, for the respondents

TRIBHUVAN DAHIYA, J. (Oral)

CM No. 12471-CII of 2022:

This is an application for bringing on record the LR's of deceased petitioner.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. The persons mentioned in para no.2 of the application, are ordered to be impleaded as LR's of the deceased petitioner.

Amended memo of parties is taken on record.

Main Case:

1. This revision has been filed under Article 227 of the Constitution of India for setting aside the order dated 13.4.2018 (Annexure P-1) passed by the trial Court and the order in appeal passed by the lower Appellate Court dated 13.11.2019 (Annexure P-2), whereby the *ad interim* injunction under Order XXXIX Rule 1 & 2 CPC sought by the petitioner/plaintiff stands declined.

2. A perusal of the orders of the Courts below shows that, vide registered sale deed dated 27.12.1995, Surinder Kaur/defendant no.1 has

alienated the land in favour of the plaintiff/petitioner Kashmir Kaur by claiming herself to be owner of the suit property, which was received by the minors, defendants no.2 and 3, in inheritance from Joginder Singh as per Will dated 15.6.1991. She being mother and natural guardian was not entitled to bequeath the property except with prior permission of the Court. Therefore, the petitioner/plaintiff's title to the said land itself is not *prima facie* established on record.

3. Further, learned counsel for the respondents submitted that the suit in question was filed in the year 2016 and the trial was at the stage of defendant's evidence. Four witnesses have already been examined.

4. In view of the aforesaid, this Court is not inclined to interfere in the matter.

5. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

22.9.2022

Ashwani

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No