

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

CR No.1534 of 2022 (O&M)

Date of Decision: 13.05.2022

Parkash Kaur

.....Petitioner.

Versus

Sukhwinder Singh and others

.....Respondents.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Jaideep Verma, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved by the order dated 17.03.2022 (Annexure P-10) passed by learned Additional District Judge, Ludhiana (for short 'the Lower Appellate Court') whereby the appeal preferred by respondents No.1 to 5-plaintiffs (here-in-after to be referred as 'the plaintiffs') to assail the order dated 19.10.2016 (Annexure P-9) passed by learned Civil Judge (Junior Division), Ludhiana (for short 'the trial Court') dismissing the application, as moved by them for seeking the relief of *ad-interim* injunction, has been partly accepted while setting aside order Annexure P-9 and restraining the petitioner-defendant No.1 (here-in-after to be referred to as 'defendant No.1') from alienating the suit property on the basis of mutation No.3142, she (defendant No.1) has preferred the present revision petition.

The plaintiffs filed the Civil Suit for seeking declaration to the effect that the judgment and decree dated 12.12.2009 passed in Civil Suit

No.81 of 2003, in respect of the suit property is illegal, null and void as the same had been obtained by misrepresenting and concealing the facts and they also prayed for the relief of permanent injunction to restrain defendant No.1 and her agents etc from alienating the said property to any third person in any manner. Along-with the suit, the above-mentioned application was also filed by the plaintiffs for seeking *ad-interim* injunction, which was dismissed by the trial Court vide order Annexure P-9. However, vide impugned order Annexure P-10, the Lower Appellate Court has partly accepted the appeal, as filed by the plaintiffs to assail order Annexure P-9, as under:-

“Order of the learned Lower Court dated 19.10.2016 is set aside and modified to the extent that defendant no.1 is restrained from alienating the suit property on the basis of mutation no.3142 in her favour, except with the specific conditions that in case any alienation is made, it shall be subject to decision of the present suit. It shall be duty of the defendant no.1 to specifically incorporate this condition in the conveyance deed if ever executed. This order shall protect and preserve the property and shall also not put unnecessary restraint upon anybody. With this modification appeal is partly accepted and stands disposed of. Same conditions shall be observed by plaintiffs also. Appeal is partly accepted.”

I have heard learned counsel for the petitioner-defendant No.1 in the present revision petition at the preliminary stage and have also perused the file thoroughly.

Learned counsel for defendant No.1 contends that the impugned order Annexure P-10 restraining defendant No.1 from alienating the suit

property is erroneous and unjustifiable because the above-mentioned mutation has been correctly sanctioned in her (defendant No.1's) favour and in the earlier round of litigation between the parties in respect of the same property, defendant No.1 has been held to be the owner of 1/7th share in the same and therefore, the plaintiffs had no occasion to seek any relief against her.

However, I do not find the afore-raised contention to be tenable at all because vide the impugned order, the Lower Appellate Court has restrained defendant No.1 from alienating the suit property while imposing the same conditions upon the plaintiffs also, with a view to preserve the same till the decision of the Civil Suit which is, otherwise, the true intent of the doctrine of *lis-pendens* and operates during the pendency of the litigation even without any specific injunction or direction in favour or against any of the parties in this regard.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand stands dismissed.

May 13, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*