

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

CR-2906-2019 (O&M)

Date of decision: 27.10.2022

Virender Singh

....Petitioner

Versus

Meenu Hudda and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sonu Gill, Advocate for
 Mr. D.P.S.Bajwa, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The petitioner herein is the husband of the respondent. The respondent-wife has filed a suit that her husband (petitioner herein) be restrained from dispossessing her from the suit land or from alienating the suit property, in any manner.

It appears that both husband and the wife are the joint owners. The First Appellate Court while disposing of the appeal has observed as under:-

“13. Admittedly, from the revenue record it is revealed that defendant is owner in possession of suit property, but it cannot be lost sight of that plaintiffs have right to be maintained from the suit property as their right of maintenance is first charge over the suit property. In these circumstances, the impugned order is modified with a direction that if defendant alienates the suit property then he will seek the permission of the court and will disclose the name of prospective vendee to the court to whom he wants to sell the suit property by filing particulars in the case file and notice to such vendee would be issued and the vendee would be apprised by mentioning in the sale deed that the sale of the suit property is subject to the first charge of maintenance of plaintiffs. With this point of view the impugned order is modified.”

It is evident that the injunction granted by the trial court has been modified and the defendant has been permitted to alienate the property, with prior permission of the court. In such circumstances, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

27.10.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE