

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

CR-2173-2022

Date of decision : 23.11.2022

Marvel India Pvt. Ltd. And another

...Petitioners

Vs.

Skycourt Estate Private Ltd. and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Chetan Mittal, Sr.Advocate with
Mr. Kunal Mulwani, and Mr. Aditya Sanghi, Advocates
for the petitioners.

MANOJ BAJAJ, J.

Petitioners (plaintiffs) have filed this revision petition to challenge the order dated 08.04.2022 (Annexure P-8) passed by Additional District Judge, Hisar, whereby the order dated 21.10.2021 passed in Civil Suit No.392-C-2021 by Civil Judge (Junior Division) Hisar, dismissing their application under Order 39 Rules 1 and 2 CPC for ad interim injunction, was upheld.

Learned senior counsel submits that the suit property measuring 80 kanals 17 marlas was to be transferred to the plaintiffs by the defendant No.1 (M/s Skycourt Estate Private Ltd.) as per oral understanding, but the said transaction was not executed by the defendant No.1, therefore, the plaintiffs brought this suit for permanent injunction as well as mandatory injunction. According to the learned senior counsel, defendant No.1-company was also created by the plaintiffs, wherein the ex-employees of plaintiffs were inducted as Directors and even the suit property was sold to defendant No.1 by vendor-M/s Marvel Buildwell Pvt. Ltd. against the sale consideration of Rs.4.55 crores vide registered sale deed No.10203 dated 04.02.2021, which is also another

sister concern of the plaintiffs.

During the course of hearing, learned senior counsel confines his grievance in the present petition only to the limited extent that the trial Court as well as the appellate Court while deciding the application under Order 39 Rules 1 and 2 CPC and appeal, respectively have made certain observations and it would adversely affect the merits of the suit. Learned senior counsel prays for indulgence of this Court to clarify that the impugned decisions shall have no bearing on the merits of the suit.

Heard.

A perusal of the order dated 21.10.2021 passed by Civil Judge (Junior Division), Hisar would show that in para 11, it has been specifically observed that nothing expressed in the order shall be construed as an expression of opinion to the merits of the case. Similarly, the appellate court while dismissing the appeal of the plaintiffs has clarified that the observations made in this judgment are limited to the decision of the appeal and nothing expressed herein shall be construed as an expression of opinion on the merits of this case. The limited prayer made by learned senior counsel is misconceived, therefore, the same is rejected.

At this stage, Mr. Chetan Mittal, learned senior counsel states that the interest of the plaintiffs be protected with an observation that in case the defendants alienate the suit property, during pendency of the suit, they shall be bound by the provisions of Section 52 Transfer of Property Act, 1882.

Presently, there is nothing on record to indicate that the defendants are inclined to alienate the suit property, and even if, assumably, the suit property is alienated during the pendency of the suit, the nature and effect of

such a transaction would be examined by trial Court at that stage, if it is so raised by the plaintiffs.

In view of the above, no case is made out for interference.

The revision petition is dismissed.

(MANOJ BAJAJ)
JUDGE

23.11.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No