

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1401 of 2021

Date of Decision: 14.11.2022

Ram Kumar and Others

... Petitioner(s)

Versus

Vijay Pal Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashish Aggarwal, Senior Advocate
with Mr. Vishal Pundir and Ms. Vibhuti, Advocates
for the petitioner(s).

Mr. A.S. Tewatia, Advocate
for the respondents.

Anil Kshetarpal, J.

1. The petitioners herein are the plaintiffs in a pending suit for grant of decree of declaration to the following effect:-

“9. That the plaintiff, therefore, most respectfully prayed that a decree for declaration to the effect that the plaintiffs along with the other co-sharers, who are entered in the jamabandi for the year 1985-1986 are only entitle of the land bearing Rect. No. 154, Killa No. 12 and entries in the revenue record qua Mutation No. 3834 and Mutation No. 21484 are liable to be corrected in view of the above said judgment and decree dated 07.03.2008 along with the consequential relief of permanent injunction restraining the defendants from alienating the suit property in any manner may kindly be pass in favour of the plaintiffs and against the defendant with cost.

Any other relief which this Hon'ble Court may deem fit

and proper be also granted to the plaintiff.”

2. During the pendency of the suit, an application filed by the petitioner for the grant of stay of alienation was disposed of while observing as under:-

“7. However, it is directed that if defendants alienated suit property during the proceeding of present suit then he shall intimate the court as same is to avoid the multiplicity of suit. If plaintiff thinks fit then he can appropriate application in this regard and subsequent purchaser is bound by the decision of this suit.”

3. The learned senior counsel representing the petitioners (plaintiffs) contends that the respondents are carving out the plots in the joint property. On the other hand, the learned counsel representing the respondents submits that there is no such assertion to that effect in the plaint or in the application.

4. In such kind of a situation, the learned senior counsel representing the petitioners prays for permission to withdraw the revision petition in order to file a fresh application before the trial Court.

5. Ordered accordingly.

6. Needless to observe that the trial Court will decide the application independently.

(Anil Kshetarpal)
Judge

November 14, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No