

[117] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.145 of 2023

Date of Decision :11.01.2023

Sant Baba Baljinder Singh Ji ...Petitioner
versus

Iqbal Singh and othersRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. H.S. Aujla, Advocate for the petitioner.

B.S. Walia, J. (Oral)

[1] Challenge in the petition is to order (Annexure P-10) dated 22.09.2022 passed by the learned Civil Judge (Junior Division), Fatehgarh Sahib, dismissing the application (Annexure P-9) filed by the petitioner under Section 151 CPC in Civil Suit No.622 of 2016 in case titled as '**Iqbal Singh etc. versus Daljit Kaur etc.**', seeking permission to lease out the land.

[2] A perusal of plaint (Annexure P-1) reveals that suit for declaration was filed against defendant No.2 and others, claiming that plaintiff Nos.1 to 3 were joint owners of 1/4th share, while plaintiff Nos.4 to 7 were joint owners of 1/4th share and defendant Nos.1 to 4 were joint owners of 1/4th share, while defendant Nos.5 to 7 were joint owners of 1/4th share out of inheritance of deceased Sant Santokh Singh, son of Daulat Singh son of Attar Singh of the land as per details given in the civil suit, while perusal of order (Annexure P-10) reveals that defendant No.2-petitioner filed an application under Section 151 CPC seeking permission to give the land in dispute, on lease.

[3] Learned trial Court while taking into account the fact that the

16.08.2018, restraining the defendants from alienating the property in dispute without permission of the Court dismissed the application on the ground that creation of lease would have a long term effect over the property which would get bound down for 15 years and any party who won the litigation would not be able to use the property for 15 years because of the lease already entered into by the defendants and further that leasing out the property, which was the subject matter of the litigation would only create multiple litigation and the entire purpose of granting stay would be defeated, as the purpose of granting stay over the suit property was to protect the property and rights of the parties and would amount to petitioner-defendant No.2 being given permission to deal with the property which had already been denied by way of the stay order and that in the circumstances, it would be in the interest of all the parties, if the parties to the suit produce their evidence and conclude the trial, so that their rights could be finally decided by the Court and thereafter they could deal with the property in the manner they like as per their entitlement.

[4] On query, learned counsel fairly conceded that the stay granted vide order (Annexure P-8) dated 16.08.2018 was upheld by the learned Appellate Court but that no revision was filed against the order in Appeal upholding the order of stay dated 16.08.2018.

[5] In view of the position noted above, I do not find any circumstances, warranting interference with the well reasoned order passed by the learned Civil Judge (Junior Division), Fatehgarh Sahib.

[6] Dismissed.

(B.S. Walia)
Judge

11.01.2023