

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.565-2023 (O&M)

Date of decision: 01.02.2023

Harbans Kaur and others

...Petitioners

Vs.

Harjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Amit Jhanji, Senior Advocate with
Mr. B.S.Patwalia, Advocate,
For the petitioners.

Mr. Prateek Sodhi, Advocate,
For respondent No.1.

ARUN MONGA, J. (ORAL)

Revision petition is directed against order dated 12.01.2023 (Annexure P-12) whereby in the civil misc. appeal under Order 43 Rule 1CPC filed by respondent No.1, learned Additional District Judge, Amritsar has ordered to maintain status quo with regard to the property in question.

2. Learned Senior counsel for petitioners submits that plaintiff-respondent No.1 filed a suit for declaration against defendant-petitioners that the parties to the suit are legally entitled to inherit the entire movable and immovable assets of Late Charanjit Singh Chadha in equal shares on the basis of natural succession, falsely stating that Late Charanjit Singh had died intestate on 03.12.2021. He further submits that at the time of filing of the suit the registered Will and deed of inheritance of Charanjit Singh in favour of petitioners were not annexed with the civil suit. He further submits that petitioners filed a detailed reply. Respondent No.1 also filed an application under Order 39 Rule 1 and 2 CPC. Vide order dated 10.12.2021, in the absence of registered Will or the deed of inheritance, respondent No.1

succeeded to get an interim order restraining petitioners from alienating the property in dispute.

2.1 Vide order dated 09.01.2023 (Annexure P-11), learned trial Court dismissed the application under Order 39 Rule 1 and 2 CPC filed by plaintiff-respondent No.1. Learned trial Court noticed that the property of Late Sh. Charanjit Singh Chadha has been *prima facie* inherited on the basis of duly registered Will dated 23.08.2021. Against the dismissal of the application, respondent No.1 filed an appeal under Order 43 Rule 1 CPC. Said appeal was listed before learned Additional District Judge, who passed the impugned order dated 12.01.2023 (Annexure P-12), vide which petitioners have been directed to maintain status quo with regard to the property till further orders. Learned Additional District Judge has not taken into consideration the registered Will and inheritance deed Annexures P-1 to P-3 executed by late Sh. Charanjit Singh, contends the learned Senior counsel. Hence, the instant petition.

3. Having heard the arguments, it transpires that the controversy narrows down to the limited extent of the apprehension of petitioners that in view of the record of the trial Court having been summoned on the next date of hearing before learned Appellate Court i.e.. on 06.02.2023, in case the same is not returned, further trial shall remain at abeyance.

4. The petitioners' apprehensions of delay in the proceedings before trial Court can easily be obviated by ensuring that either learned First Appellate Court returns the records to learned trial Court after the slated hearing or alternatively by scanning and keeping its copy in the form of compact disc or in case either of the parties wishing to have the same to be

referred at the time of hearing by obtaining the photocopies of the same, at own cost.

5. Given that the petitioner is a widow and senior citizen being 83 years old, it would be appreciated if the hearing of the appeal is expedited without granting any unnecessary adjournments.

6. Disposed of accordingly.

February 01, 2023
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No