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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1701-2023 (O&M)

Date of decision: March 17, 2023

Sanyukta Rani @ Sanyokta Rani Chopra and another

....Petitioners

versus

Upasana Rani and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Rahul Arora, Advocate for petitioner.

ARUN MONGA, J. (ORAL)

Petition herein is for setting aside order dated 02.12.2022(Annexure P-3) passed by learned trial Court in Civil Suit No.1193 of 02.12.2022, whereby it issued notice of suit as well as application for grant of *ad interim* injunction to defendants before passing any order on the aforesaid application.

2. Brief facts first, as pleaded in the revision petition.

2.1. Petitioner/plaintiffs filed suit for declaration to the effect that notwithstanding anything contained contrary to the revenue record, petitioners along with respondent No.1 are joint owners of 1/4th share each of immoveable property i.e., land measuring 60 Kanals 3 Marlas as more fully described in head note of plaint along with Smt. Chand Rani, deceased wife of Raj Krishan. Petitioners have further sought consequential relief for permanent injunction restraining respondent No.29 from releasing the amount of compensation *qua* the said land, which was purchased by respondents No.4 to 28 and respondent No.30 to 85 by way of alleged sale deed, fully described in the plaint.

3. I have heard learned counsel for petitioner and gone through the record.

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4. Impugned order dated 02.12.2022 passed by learned trial Court is premised, *inter alia*, on the following reasoning:

“Suit received by way of entrustment. Report of Reader seen. Suit be registered. Along with suit an application for grant of ad interim injunction has also been moved. Heard. I deem it fit that before passing any order, opposite party should be heard. Hence, notice of the suit as well as application be issued to defendants for 22.12.2022 through ordinary process as well as through RC/AD. Dasti may also be given if requested.”

5. Having heard the arguments of learned counsels for parties, there is no room for interference in the aforesaid valid reasons recorded by learned Court below.

6. No material irregularity in law or procedure has been committed by learned Court below, so as to exercise extraordinary revisional jurisdiction herein.

6.1 That apart, apprehension of petitioners that property will be alienated prior to disposal of application under Order XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908 is completely unfounded, at this stage, and in any case, same would be subject to principle of *lis pendence*. Be that as it may, if respondents indeed intend to do any such act as apprehended by petitioners, the same shall be at their own risk and peril and so would be fate of prospective buyer in case, he wishes to enter into any such transaction.

7. In the premise, instant revision petition is dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

March 17, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No