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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2835-2023 (O&M)

Date of decision: May 08, 2023

Sunita

....Petitioner

versus

Relu Ram and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Ms. Nancy Vashistha, Advocate for petitioner.

ARUN MONGA, J. (ORAL)

Petition herein *inter alia* is for setting aside impugned order dated 13.03.2023 (Annexure P-4) passed by learned Civil Judge (Junior Division), Jagadhri, whereby application filed by petitioner/defendant No.2 for directing plaintiffs to provide title deed of the properties mentioned in the plaint, was dismissed.

2. The revision petition is premised on the averments that plaintiffs/respondents No.1 and 2 filed suit for permanent injunction from interfering in peaceful life of plaintiffs and further restraining the petitioner and respondent No.3 (defendants) from filing false applications and litigations against plaintiffs and further restraining defendants from dispossessing plaintiffs from their properties in any manner whatsoever.

2.1. Petitioner-defendant No.2 moved an application directing plaintiffs to provide title deed of the properties mentioned in the plaint.

2.2. Vide impugned order dated 13.03.2023 (Annexure P-4), learned trial Court dismissed the application.

3. Learned counsel for petitioner/defendant No.2 would contend that permanent injunction sought by plaintiffs is against their own son (respondent No.3/defendant No.1) and daughter-in-law (petitioner/defendant No.2). She would contend that in reply to application for directing plaintiffs to produce title deeds, plaintiffs

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stated that properties in question were self-acquired properties, but no document in support thereof was placed on record. Further contends that as per Section 30 of CPC, learned trial Court is empowered to make such orders as may be necessary and reasonable for production of any documents on application of any party to the suit.

4. I have heard learned counsel for petitioner and perused the case file.

5. Impugned order dated 13.03.2023 (Annexure P-4) passed by learned Civil Judge (Junior Division), Jagadhri, is premised, *inter alia*, on the following reasoning:

“4. A perusal of file reveals that present suit has been filed by plaintiffs for permanent injunction thereby restraining the defendants from interfering in the peaceful life of plaintiffs and from filing litigations against the plaintiffs and from dispossessing the plaintiffs from their properties in any manner, whatsoever. However, there is no mention of any title deed in the plaint. Similarly, no particulars of any title deed have been given by the applicant/defendant no.2 in her application. As such, no such direction can be issued to the plaintiffs as prayed for by the defendant no.2. Accordingly, instant application stands dismissed. Now, to come upon 12.04.2023 for evidence of plaintiffs to be brought at own responsibility.”

6. It is a strange case where petitioner/defendant No.2 who is daughter-in-law of respondents No.1 and 2 having got married and currently residing with her husband in the matrimonial home which is claimed by respondent No.1 to be his exclusive property and pursuant thereto, daughter-in-law i.e., petitioner herein is asking the father-in-law to prove title of the property in his suit for injunction. The title and the property in question, in any case, is a matter of trial and cannot be summarily decided, at this stage.

6.1. Furthermore, the dispute in hand seems to be more between the father and his son *qua* suit property. Right of petitioner at best is to be maintained by her husband. In case, husband succeeds to stay in the house. Needless to say, petitioner would continue to stay with him as in her husband's presence she does not draw any independent right from her father-in-law/respondent No.1 by virtue of marriage to his son.

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- 7. Be that as it may, trial is since *subjudice*, no grounds for interference are made out.
- 8. No material irregularity in law or procedure has been committed by learned Court below, so as to exercise extraordinary revisional jurisdiction herein.
- 9. Dismissed.
- 10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

May 08, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No