

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3912-2023
Date of Decision:-18.08.2023

PAWAN KUMAR

... Appellants/Petitioner(s)

Versus

AMITA AND ANOTHER

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Vikram Singh, Advocate
for the petitioner.

-.-

KARAMJIT SINGH, J. (Oral)

1. The counsel for the petitioner has assailed the order dated 6.10.2022 passed by Additional Principal Judge, Family Court Sonipat on the ground that said Court was having no jurisdiction to entertain the suit filed by respondent No.1-Amita against the present petitioner and respondent No.2 seeking declaration and permanent injunction that respondent No.2 who is mother-in-law of respondent No.1 cannot alienate the suit property. In support of his contentions, the counsel for the petitioner has referred to provisions of Section 7 of Family Courts Act. The counsel for the petitioner further submits that the Family Court concerned passed interim order dated 6.10.2022,

whereby the petitioner and respondent No.2 have been restrained from further alienating the suit property without taking into consideration the provisions of Section 7 of Family Courts Act.

2. From the perusal of the impugned order, it appears that the same is interim order and the petitioner and respondent No.2 are restrained from alienating the suit property only till next date of hearing. It is apparent that the objections regarding maintainability of the suit, which are taken by counsel for the petitioner before this Court in the present petition, were not taken by the counsel representing the petitioner before the Family Court concerned.
3. In view of the above, the present petition is disposed of with direction to the learned Family Court concerned to take into consideration the objections, which are taken up by the counsel for the petitioner in the present petition, while disposing of the injunction application moved by respondent No.1 for grant of interim injunction and if the injunction application is still pending, the same should be decided by the Court concerned, in accordance with law, within a period of next 1 month from the date of receipt of copy of this order.

18.08.2023
Manisha

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No