

(141) **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.4369 of 2022 (O&M)
Date of decision: 11.10.2023

ASHA DEVI

.....PETITIONER

Vs.

ABHEYJEET SINGH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Abhimanyu Singh, Advocate for the petitioner.

Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate and
Mr. Shivjot S Modgil, Advocate for the respondents.

ANIL KSHETARPAL, J(Oral)

(1) The correctness of the interlocutory orders passed by the First Appellate Court, while deciding the appeal against the order passed by the Trial Court is assailed in this revision petition by the plaintiff.

(2) He has filed a suit for declaration with a consequential relief of permanent injunction, claiming that she is a co-sharer in the land. Defendants while contesting the suit claimed that late Sh.Jai Bhagwan transferred the property in favour of his grand children by a registered transfer deed dated 10.09.2009. The plaintiff's case is based on the fact that the property is a Joint Hindu family and ancestral property.

(3). The trial Court allowed the application under Order 39 Rule 1 and 2 CPC, but the first Appellate Court held that the plaintiff is not entitled to injunction. The plaintiff wants that the respondent should be restrained from alienating the property during the pendency of the suit. Section 52 of

the Transfer of Property Act sufficiently protects the interest of the plaintiff,

any alienation made during the pendency of the suit shall not adversely impact the rights of the plaintiff.

(4) In such circumstances, no grounds are made to interfere in the present revision petition.

(5) The present petition is accordingly dismissed.

October 11, 2023

(ANIL KSHETARPAL)
JUDGE

Raman'

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