

CR-987-2023(O&M)

2024.PHHC.065359



-1-

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-987-2023(O&M)

Date of decision : 09.05.2024

Pawan Kumar and others

...Petitioners

Vs.

Praveen Kumar and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prateek Mahajan, Advocate and
Mr. Daanish Mahajan, Advocate
for the petitioners.

Mr. Sanjay Mittal, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. This revision petition has been filed by the defendants to assail the correctness of the order passed by the First Appellate Court on 20.12.2022, while restraining them from alienating the suit land. Originally, the trial Court dismissed the plaintiff's application for grant of temporary injunction, however, the same was reversed by the First Appellate Court.

2. The plaintiff-Sh.Parveen Kumar filed suit for grant of decree of permanent injunction restraining the defendants from alienating the suit property. His entire case is based upon a receipt dated 20.05.2022, evidencing the receipt of token money of Rs. 2,00,000/- out of total sale consideration of Rs. 3,37,12,500/-

3. Immediately, on dismissal of the application for temporary injunction, the defendants sold the property in favour of one Sh. Munshi Singh



vide sale deed dated 13.06.2022. Subsequently, the first appeal filed by the plaintiff was allowed on 20.12.2022.

4. On 14.02.2023, the following order was passed:-

“Learned counsel for the petitioners-defendants No.1 to 4, inter-alia, contends that the petitioners never entered into any agreement with respondent No.1-plaintiff to sell the suit land to him and this assertion gets corroborated from the fact that the plaintiff has averred in Para No.1 in the plaint that the amount of Rs.02 lac was transferred in the bank account of defendant No.2 only and defendants No.1, 3 & 4 did not provide the details of their respective bank accounts for depositing the similar amounts in the same whereas in the alleged agreement Annexure P-4 (actually described as 'Receipt'), the recital qua the plaintiff and defendants No.1 to 4 having agreed for the deposit of the said amounts by the plaintiff in the bank accounts of each of the said defendants, does not find mention at all and though, vide the order dated 10.06.2022 (Annexure P-2), the trial Court had rightly dismissed the application as filed by the plaintiff for seeking ad-interim injunction but vide the impugned judgment Annexure P-1, the Lower Appellate Court has wrongly reversed the above-said order while ignoring the afore-referred crucial aspects of the matter.

Notice of motion.

Let notices be issued to the respondents for 12.07.2023 through ordinary process, email or any other electronic mode. Dasti as well.

The operation of the impugned judgment



Annexure P-1 shall remain stayed till the next date of hearing. “

5. It has been brought to the notice of the Court that in February 2024, even Sh. Munshi Singh has transferred the property in favour of subsequent vendees who are stated to be the owners of the property by virtue of the sale deed. Neither Sh. Munshi Singh nor the subsequent vendees are party to the litigation.

6. Keeping in view the aforesaid facts, the revision petition is disposed of with liberty to the plaintiff to file simultaneous applications for impleadment of subsequent vendees as party as well as for the grant of injunction, which shall be decided by the Court uninfluenced by the previous orders passed by the trial Court or by the First Appellate Court.

09.05.2024	(ANIL KSHETARPAL)	
neeraj	JUDGE	
Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No