



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

124

CR No.1406 of 2025 (O&M)

Date of Decision :01.05.2025

Megha Aggarwal**.....Petitioner****Versus****Mahabir Singh and another****..... Respondents****CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

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

Mr. Ajay Kansal, Advocate for the respondents.

VIKRAM AGGARWAL, J. (Oral):

The present revision petition assails the order dated 06.02.2025 (Annexure P1), vide which the appeal filed by the respondents-plaintiff (Mahabir Singh) against the order dated 11.08.2023, passed by the Court of learned Civil Judge, (Jr. Divn.), Faridabad, was allowed and *ad interim* injunction restraining the petitioner/defendant from alienating the suit property was granted.

2. A suit (Annexure-P2) for possession by way of specific performance of receipt of agreement to sell dated 26.01.2021 was instituted by plaintiff-Mahabir Singh. The suit was accompanied by an application under 39 rule 1 and 2 of the Code of Civil Procedure 1908 (for short 'CPC') for the grant of *ad interim* injunction. Vide order dated 11.08.2023 (Annexure P-6), the said application was dismissed by the Court of Civil Judge (Jr. Divn.) Faridabad. An appeal was preferred against the said order which was allowed on 06.02.2025, leading to the filing of the present revision petition.

3. The sole grievance put forth by learned counsel for the petitioner is that while deciding the application for grant of *ad interim* injunction, the Court of learned Additional District Judge, Faridabad, gave findings on the



merits of the issue which are likely to be prejudicial to the interests of the petitioner. He submits that as regards alienation of the property, there is no grievance with regard to the directions passed.

4. Mr. Ajay Kansal, Advocate has put in appearance on behalf of respondent No.1 and has filed his Power of Attorney. He submits that he would have no objection in case the findings touching upon the merits of the case are set aside while maintaining the *ad interim* injunction as regards alienation of the suit property.

5. I have considered the submissions made by learned counsel for the parties.

6. While examining the issue of grant of *ad interim* injunction, the Court of Additional District Judge, Faridabad, delved into the merits of the case and returned findings on the merits of the case, though in paragraph 19, it was stated that the order would not have any bearing on the merits of the case. This Court is of the considered opinion that no findings on merits of the issue should have been returned. That being so, while maintaining the direction as regards restraining the defendants therein (present petitioner) from alienating the suit property or creating any third party rights as regards the suit property, the findings on the merits of the case are set aside. The said order dated 06.02.2025, is accordingly, modified.

7. The petition is accordingly disposed of in the above terms.

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

(VIKRAM AGGARWAL)
JUDGE

01.05.2025

Manoj Bhutani

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