



CR-2945-2025

-1-

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

(126)

CR-2945-2025

Date of decision: - 27.05.2025

Sheela Devi

....Petitioner

Versus

Subhash and others

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ajay Jain, Advocate
for the petitioner.

Mr. L.K. Gollen, Advocate
for the respondents.

VIKAS BAHL, J. (ORAL)

1. Present civil revision has been filed under Article 227 of the Constitution of India for modifying the order dated 24.04.2025 passed by the Additional District Judge, Rewari.

2. On 15.05.2025, this Court was pleased to pass the following order: -

*Present: Mr. Ajay Jain, Advocate
for the petitioner.*

Inter alia contends that in the appeal filed by the defendant no.1, it was observed by the Ist Appellate Court that since the petitioner and the plaintiffs are in joint possession of the suit property, thus, no question of restraining the petitioner from interfering in the possession of the plaintiffs arises. It is further submitted that it was further observed that the plaintiffs did not have prima-facie case and



CR-2945-2025

-2-

*balance of convenience did not lie in their favour and yet imposed conditions on the petitioner from alienating the property. It has been fairly submitted that as far as conditions no.2 and 3 are concerned, the petitioner would comply with the same but condition no.1 is extremely onerous and the same could lead to multiplicity of litigation. It is submitted that in case the petitioner alienates the land to the extent of her share, the petitioner would inform the Court about the details of the person to whom it has been sold. In support of his arguments, learned counsel for the petitioner has relied upon the judgment of the Coordinate Bench of this Court passed in the case of “**Hari Singh vs. Nishan Singh and others**” reported as 2010(65) RCR (Civil) 509.*

Notice of motion for 27.05.2025.

Notice re: stay.

Liberty is granted to the petitioner to serve the respondents through dasti process as well as counsel appearing in the trial Court.

To be shown in the urgent list.

May 15, 2025”

3. The conditions imposed by the Appellate Court while partly allowing the appeal filed by the present petitioner are as under: -

“23. Keeping in view the discussion made above, I do find merit in the present Civil Miscellaneous Appeal and the same is hereby partly allowed with costs. In order to ascertain that no irreparable loss and injury shall be caused to the plaintiffs and proforma defendants suit property shall remain protected, for avoiding multiplicity of litigation and to protect the rights of third party/bona-fide alienee, the findings of learned trial Court are modified to the extent that the alienation of the suit property shall not be made unless and until the following conditions are fulfilled:-

"1. In case, the defendant intend to alienate the suit property in any manner i.e. by way of entering into agreement to sell, executing sale deed, lease deed, gift deed, relinquishment deed, mortgage deed or any other document of



alienation, she shall give at least 15 days prior intimation to the Court and the plaintiffs along with the name and other particulars of prospective third party to whom the alienation in any form is being made.

2. Defendant shall give a notice in writing to the prospective alienee, in any manner, regarding the pendency of the present suit and that deed, if any, executed (agreement to sell, sale deed, lease deed, gift deed, relinquishment deed, mortgage deed or any other document of alienation) shall remain subject to the outcome of the present suit.

3. Also, a clear recital with regard to pendency of the present suit and that all the rights, titles and interests shall remain subject to the outcome of the present suit shall be made in any deed executed by the defendants in favour of any person with regard to alienation of the suit property".

24. Parties through their counsel are directed to appear before the trial court on 12.08.2025 (the date already fixed) at 10.00AM. Trial court record along with a copy of the judgment be sent to the learned trial court. Appeal file be consigned to record room.

Nothing expressed here-in-above shall be construed as an expression of view on the merits of the case."

3. Learned counsel for the petitioner has reiterated that condition No.1 is extremely onerous and the same could lead to multiplicity of litigation and has submitted that the petitioner is ready to abide by conditions No.2 and 3 and would also inform the Court about the details of the person to whom the petitioner had sold the property, within a period of two weeks from the date of alienation.

4. Learned counsel appearing for the respondents has submitted that in addition to the above-said conditions, a further condition be



imposed that a necessary entry with respect to the pendency of the suit as well as the riders imposed by this Court be carried out in the relevant revenue records.

5. Keeping in view the above-said facts and circumstances and the fair stand taken by learned counsel for the petitioner as well as by learned counsel for the respondents, the present petition is disposed of by modifying the order dated 24.04.2025 to the following extent, with the following directions/observations: -

- (i) Defendant shall give a notice in writing to the prospective alienee, in any manner, regarding the pendency of the present suit and that deed, if any, executed (agreement to sell, sale deed, lease deed, gift deed, relinquishment deed, mortgage deed or any other document of alienation) shall remain subject to the outcome of the present suit.
- (ii) Also, a clear recital with regard to pendency of the present suit and that all the rights, titles and interests shall remain subject to the outcome of the present suit, shall be made in any deed executed by the defendants in favour of any person with regard to alienation of the suit property.
- (iii) Petitioner would be permitted to alienate the land to the extent of her share, but the petitioner would inform the trial Court about the details of the person to whom the land has been alienated, within a period of two weeks from the date of alienation.

(iv) The concerned revenue official, on an application made on behalf of either of the two parties, would make the necessary entry with respect to the pendency of the suit as well as the above-said three conditions imposed by this Court in the present order in the relevant revenue records.

May 27, 2025
naresh.k

(VIKAS BAHL)
JUDGE

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