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

**(124)**

**CM-11911-CII-2025 in/and  
FAO-3765-2025**

**Date of Decision : September 04, 2025**

**Monika Bura**

**.. Appellant**

**Versus**

**Vivek Rana and another**

**.. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Niharika Singh, Advocate, for the appellant.

**HARSIMRAN SINGH SETHI J. (ORAL)**

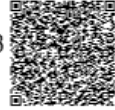
**CM-11911-CII-2025**

Present application has been filed for condonation of delay of 03 days in filing the appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 03 days in filing the appeal is condoned.

**FAO-3765-2025**

1. In the present appeal, the challenge is to the order dated 25.02.2025 passed by the Family Court, Rohtak by which, an application filed under Order 39 Rule 1 and 2 CPC with a prayer that the respondents be



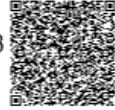
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restraining from alienating the properties, has been dismissed on the ground that the same is causing prejudice to the appellant.

2. Learned counsel for the appellant argues that the property in question belongs to the respondent No.1 namely Vivek Rana, the ex-husband of the appellant and as the proceedings for the grant of maintenance are pending before the competent Court of law, the husband as well as his mother i.e. mother-in-law of the appellant herein, should be restrained from disposing of the properties as the same is likely to cause prejudice to the appellant herein.

3. Learned counsel for the appellant submits that the aforesaid application has been dismissed by the Family Court, Rohtak vide order dated 25.02.2025 by recording a finding that the property does not belong to the ex-husband but belongs to the mother of the ex-husband and further that even while granting the decree of divorce, the benefit of permanent alimony has not been given to the appellant herein on the ground that the appellant is earning handsome amount to maintain herself. Further, the prayer made by the appellant for restraining the respondents from alienating the properties in question, has been declined, which is incorrect.

4. Learned counsel for the appellant further submits that in case the properties are alienated by the mother-in-law, even if any alimony is granted to the appellant at a later stage by the competent Court of law, the appellant will not be able to get the same, which fact has been ignored by the Family Court while dismissing the application filed by the appellant under Order 39 Rule 1 and 2 of the CPC.



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5. We have heard learned counsel for the appellant and have gone through the record with her able assistance.

6. As per the conceded position before this Court the properties in question belonged to the father-in-law of the appellant, after his death i.e. on 02.03.2020, the same were bestowed upon the mother-in-law keeping in view the Will left by the father-in-law. No property is in the name of the ex-husband of the appellant namely Vivek Rana, which fact has not been rebutted by the learned counsel for the appellant.

7. Further, as of now, keeping in view the litigation between the parties, no alimony has been granted to the appellant so as to secure her interest qua the same. Further, the responsibility to pay the alimony, even if the same is to be granted at any later stage by the competent Court, is upon the ex-husband and not upon the mother-in-law.

8. Keeping in view the totality of the facts and circumstances of the present case, the prayer is actually against the mother-in-law, who is owner of the property, rather than the ex-husband of the appellant hence, non-grant of the injunction by the Family Court, Rohtak vide impugned order dated 25.02.2025, needs no interference at the hands of this Court.

9. Accordingly, the appeal is dismissed.

**(HARSIMRAN SINGH SETHI)  
JUDGE**

**September 04, 2025**

*harsha*

**(VIKAS SURI)**

**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No