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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(205)

CR-3067-2024 (O&amp;M)

Date of decision: - 01.09.2025

Malkiat Kaur and others

...Petitioners

Versus

Harnek Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Bhavyadeep Walia, Advocate  
for the petitioners. (Through VC).

Mr. Krishan Sharma Bhardwaj, Advocate  
for the respondents.

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**VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 08.05.2024 (Annexure P-5) whereby the Additional District Judge, Moga has reversed the order dated 20.08.2022 (Annexure P-4), passed by the Civil Judge (Junior Division), Moga, vide which learned Civil Judge (Junior Division), Moga had granted temporary injunction in favour of the petitioners/plaintiffs under Order 39 Rules 1 & 2 CPC.

2. On 20.05.2024, the Co-ordinate Bench of this Court was pleased to pass the following order: -

*“Present: Mr. Bhavyadeep Walia, Advocate for the petitioners.*

*Mr. Krishan Sharma Bhardwaj, Advocate for the respondents.*



*Learned counsel for the caveator/respondents has filed in Court today a copy of plaint in the earlier suit that has been filed regarding the same cause of action and copy of order dated 15.07.2022 as per which the said suit was simply withdrawn and no specific permission was taken for filing of the suit in the instant case. He has submitted that the facts regarding the previous litigation have not been mentioned in the plaint and have been concealed.*

*Learned counsel for the appellants has stated that respondent No.1 is indulging in bad vices. He is living an immoral life at a dera. Petitioner No.1, who is old aged wife of respondent No.1 has also filed an application under Section 125 Cr.P.C. for grant of maintenance. It has been further contended that he has taken a loan from different persons against the suit property which has been discharged by petitioner No.2. He has argued that sons of respondent No.1 are also working on the land and even if it was self acquired property of the respondents, it has lost the said character and now it is in the joint pool.*

*Notice of motion.*

*Mr. Krishan Sharma Bhardwaj, Advocate, who is present in Court accepts notice on behalf of the respondents.*

*Adjourned to 01.08.2024.*

*Status quo regarding alienation of the suit property shall be maintained till the next date of hearing.*

*20.05.2024”*

3. During the course of arguments, a consensus has arisen and on the basis of the consensus, the present revision petition is disposed of with the following observations: -

- (i) The respondents would be entitled to sell the property during the pendency of the suit subject to filing a specific application before the trial Court before alienating the suit property and informing the trial Court about the persons to



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whom the property is proposed to be sold so that the said persons could also be made party to the suit.

- (ii) The respondents would also inform the persons to whom the property is being sold of the pendency of the present case and the said factum would also be mentioned in the sale deed to be executed by the respondents in favour of third party.
- (iii) Needless to say, the alienation so made would be governed by the principle of *lis pendens*. The impugned order stands modified to the said extent.
- (iv) The trial Court would decide the suit independent of the observations made in the impugned order, after taking into consideration the evidence led by all the parties concerned in the trial Court and after hearing all the parties concerned.
- (v) It is clarified that the observations made in the impugned order is for deciding the application under Order 39 Rules 1 and 2 CPC and as per the settled law, the observations made in the said order is not to be taken into consideration at the time of final adjudication of the case.

4. Pending application(s), if any, stand disposed of in view of the above-said order.

September 01, 2025

naresh.k

( VIKAS BAHL )  
JUDGE

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No