

**IN THE COURT OF SHRI BHUPINDER MITTAL, PCS,  
CIVIL JUDGE (JUNIOR DIVISION) KHARAR**

Civil suit no.:30/29.01.2014

Date of order:16.10.2014

CSI No.CS/57/2014

**Gurjot Singh Vs Sewa Singh & others**

**Application for temporary injunction.**

Present:Sh. Ravinder Singh Saini, Adv.for the applicant/plaintiff.  
Sh. J.S. Rangeela, Adv.for the respondents/defendants no.1 and 3.  
Sh. Iqbal Singh, Adv.for the respondent/defendant no.4.  
Defendant no.2 ex-parte.

**ORDER**

This order of mine shall dispose of an application for grant of temporary injunction restraining the defendants from alienating the suit property and from interfering into the peaceful possession of the minor plaintiff over the suit property as detailed in the head note of the plaint during the pendency of the suit in the interest of justice.

2. On notice of the suit as well as application under order 39 rules 1, 2 read with section 151 CPC, the respondents/defendants categorically denied the averments made by the plaintiff/applicant in his application as well as suit and prayed for the dismissal of the application in the interest of justice.

3. I have heard learned counsel for the parties and carefully gone through the record.

4. Perusal of the file reveals that it is an admitted fact that plaintiff Gurjot Singh is a minor and defendant no.1 Sewa Singh and defendant no.3 Parvinder Kaur are the father and mother of plaintiff

Gurjot Singh and defendant no.1 Sewa Singh obtained the permission from the court to sell the property of minor Gurjot Singh on 08.09.2009 vide judgment and decree dated 08.09.2009 with the condition that entire sale consideration will be either used to purchase some other land in the name of minor or same shall be deposited in the name of the minor in the bank or some post office and the said amount alongwith the interest will be available to the minor on his attaining majority. It is also not in dispute that Gurjot Singh son of Sewa Singh has 37/380 share in Khasra no.10//2/1/1, 10//2/2, 10//3/2/2, 10/8/1 and 10//9/1 and has 1/11 share in Khasra no.5//21,5/22 and 9//5 and defendant no.1 entered into an agreement of sale with defendant no.2 regarding the property of plaintiff who is a minor and thereafter defendant no.2 further entered into an agreement of sale with defendant no.4 on 19.09.2008 regarding the suit property owned by plaintiff and defendant no.4 obtained a decree dated 8.12.2012 in his favour on the basis of the said agreement to sell dated 19.09.2008. Firstly when the defendant no.1 entered into an agreement of sale with defendant no.2 on 18.08.2008 regarding the property of the plaintiff, he was not the owner of the suit property and no permission has been taken by him from the court to alienate the share of the plaintiff on that date. Secondly, when the defendant no.2 entered into an agreement of sale with defendant no.4 on 19.09.2008 on the basis of agreement to sell dated 18.08.2008 he was also not the owner of the suit property as it

is well settled law that mere agreement to sell does not confer any right upon the person in whose favour it has been executed. Then there is no document on record in order to show that the sale consideration received by defendant no.2 at the time of execution of agreement dated 18.08.2008 has been used to purchase any land in the name of the plaintiff or has been deposited in any bank or post office as ordered by the court vide order dated 08.09.2009. The question whether the agreement of sale dated 08.08.2008 executed by defendant no.1 in favour of defendant no.2 without taking permission from the court with the condition he will take the permission later on is valid or not, the agreement dated 19.09.2009 executed by defendant no.2 in favour of defendant no.4 on the basis of the agreement dated 8.8.2008 is valid or not and the ex-parte decree dated 08.12.2012 obtained by defendant no.4 on the basis of agreement dated 19.09.2009 is valid or not are a matter of fact which are to be decided later on on the basis of the evidence adduced by the parties and not at this initial stage when the issues have not been framed yet.

5. In view of the above discussion and documents attached with the file, this court is of the opinion that it is not possible to opine on merits of the controversy without appreciating the documents being placed on record and the same having being proved in evidence, so it is appropriate that both the parties should be directed to maintain status quo regarding possession and alienation of the suit property during the

pendency of the suit in the interest of justice. Accordingly, in order to prevent the multiplicity of proceedings, the parties are directed to maintain status quo regarding possession and alienation of the suit property during the pendency of the suit in the interest of justice. The application stands disposed of. However, observations made herein above shall not have any effect on merits of the main case.

Announced in the open Court:  
Dated:16.10.2014

(Bhupinder Mittal)  
Civil Judge (Junior Division)  
Kharar.

**Gurjot Singh      Vs      Sewa Singh & others**

Present: Sh. Ravinder Singh Saini, Adv. for the applicant/plaintiff.  
 Sh. J.S. Rangeela, Adv. for the respondents/defendants no.1 and 3.  
 Sh. Iqbal Singh, Adv. for the respondent/defendant no.4.  
 Defendant no.2 ex-parte.

Arguments on stay application heard. Vide separate order of even date, the application under order 39 rules 1,2 CPC stands disposed of.

No application for interrogatories, discovery, inspection, admission or denial is to be filed by either of the parties. Both the parties have been apprised of the provisions of Order 10 & Section 89 CPC. But at this stage, there is no element of amicable settlement acceptance to both the parties. As no panel of Local Commissioners has been constituted under case flow management rules the evidence is required to be recorded in the court itself. Parties have been directed to place on record proposed issues. But learned counsel for parties have stated that no proposed issues are required to be filed. Heard from the pleadings of the parties, following issues are framed:-

1. Whether the plaintiff is entitled to the relief of declaration as prayed for? OPP
2. Whether the plaintiff is entitled to the relief of permanent injunction as prayed for? OPP
3. Whether the suit is not maintainable in the present form? OPD
4. Whether the plaintiff has not come to the court with clean hands? OPD
5. Relief.

No other issue arises, pressed or claimed upon by the parties. Case stands adjourned to 10.12.2014 for evidence of plaintiff. PF/DM, list of witnesses be filed within a week from the date of order.

Announced in the open Court:  
 Dated: 16.10.2014

(Bhupinder Mittal)  
 Civil Judge (Junior Division)  
 Kharar.