

**CR-8379-2025 (O&M)**

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

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**CR-8379-2025 (O&M)
Decided on :-03.12.2025**

Mohinder Singh and Others

....Petitioners

VERSUS

Nirmal Singh and Others

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Akshay Jindal, Sr. Advocate with
Mr. Tushar Kush, Advocate and
Mr. Amyia Malhotra, Advocate for the petitioners.

Mr. Ravinder Malik, Sr. Advocate with
Mr. Garvit Mittal, Advocate and
Mr. Ritender Rathee, for respondent No.1/caveator.

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MANDEEP PANNU J.

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 19.05.2025, whereby the learned Civil Judge, Junior Division Ambala dismissed the application filed by the under Order 39 Rule 1 and 2 CPC.

Brief Facts

2. The plaintiffs have filed the present suit for declaration and permanent injunction, alleging that the sale deed bearing No. 3448 dated 22.11.2023, executed by defendants No. 3 and 4 in favour of defendants No. 1 and 2 with respect to land measuring 12 kanals 19 marlas comprised in various Khewat/Khasra numbers situated in Village Mateheri Sekhon, Tehsil and District Ambala, along with the mutation sanctioned on its basis, is illegal, null, void and not binding upon them. It is pleaded that the entire land originally belonged to earlier owners, who had



carved out different plots for raising shops and developing a commercial site along the main Ambala–Hissar Road. The plots were of different sizes, and at the time of carving out the colony, land in front of the plots/shops was left undisputedly for parking of vehicles of plot-holders as well as the general public visiting the commercial centre. The plaintiffs aver that they had purchased their respective plots/constructed shops from earlier owners through registered sale deeds executed approximately twelve years ago, at which time the price paid by them included the cost of the parking area also. The site plan forming part of their sale deeds clearly reflects a 100-foot-wide open parking area shown by letters ABCD, whereas the shops constructed by the plaintiffs are shown by letters CDEF.

3. It is further pleaded that ever since their purchase, the plaintiffs have been in peaceful possession and enjoyment of the entire commercial centre, including the shops, plots, houses (where applicable), and the parking space shown in the plan, and have been using the same without any hindrance from anyone. The plaintiffs assert that defendants No.3 and 4 are neither owners nor were ever in possession of the parking area, and therefore had no right or authority to execute any sale deed in favour of defendants No. 1 and 2. According to the plaintiffs, defendants No.3 and 4 had themselves purchased certain portions of the land long ago for their own use, but the parking space had always remained a common area belonging to the plot/shop owners, and had also been reflected as vacant land in the site plans attached with the plaintiffs' own title documents. It is emphasised that the defendants No.1 and 2 have no right, title or interest in the commercial centre except for whatever independent land they may have purchased separately.



4. The plaintiffs further aver that in the last week of December 2023, defendants No.1 and 2, along with some companions, came to the site armed with weapons and attempted to forcibly take possession of the parking space in front of the shops. Due to timely intervention of the plaintiffs, the police and some respectable members of the village, the defendants failed in their attempt and were compelled to leave, though they openly threatened the plaintiffs that they would dispossess them whenever they found an opportunity. The plaintiffs then approached the defendants through village elders, whereupon defendants No. 1 and 2 disclosed that they had purchased the land from defendants No. 3 and 4 vide the impugned sale deed dated 22.11.2023. The plaintiffs informed them that defendants No. 3 and 4 were neither owners of the disputed parking area nor competent to sell it, and that the sale deed in favour of defendants No. 1 and 2 was invalid and *void ab initio*.

5. It is pleaded that the development of the commercial centre, including the layout of plots and the demarcated parking area, is clearly reflected in the sale deeds, site plans, Aksh Shajra and other documents placed on record by the plaintiffs. They have also filed copies of various complaints submitted to the Superintendent of Police, Ambala and the Station House Officer, Police Station Naggal, as well as copies of relevant receipts. The plaintiffs also rely upon multiple sale deeds executed by previous owners in their favour, copies of Jamabandis for different years, Intkaal registers, plotting plans of the area, and other material to show the nature of the commercial site and the existence of the common parking area. According to the plaintiffs, if the defendants are not restrained, the plaintiffs will suffer irreparable injury because the commercial



value of their shops would be destroyed in the absence of a proper parking facility, which was the essential feature of the planned commercial centre. They assert that the defendants' acts have cast a cloud over the plaintiffs' title and rights, and therefore a declaration from the Court is necessary.

6. The defendants, however, have contested the suit and the application under Order 39 Rule 1 and 2 CPC by filing a detailed written statement. According to defendants No. 1 and 2, the property in dispute is validly owned and possessed by them pursuant to the registered sale deed No. 3448 dated 22.11.2023 executed by defendants No. 3 and 4 for a valuable consideration of ₹64,87,500/-. They further submit that defendants No.3 had purchased the land earlier vide sale deed No. 5332/1 dated 19.12.2013, and defendant No.4 had purchased land vide sale deed No.5100 dated 16.12.2013, and thus defendants No. 3 and 4 were themselves lawful owners of the land in question. Defendants No. 1 and 2 state that after purchasing the property from defendants No. 3 and 4, they have become full and lawful owners with the right to enjoy and use the land as they deem fit, without interference from any person.

7. The defendants deny the claim of the plaintiffs of any common parking area existing on the land purchased by them, asserting that the so-called parking place shown in the plaintiffs' plan is not part of the plaintiffs' plots or sale deeds, and that the plaintiffs have no concern with the land which is now exclusively owned and possessed by defendants No.1 and 2. They allege that the plaintiffs have illegally tried to interfere with their possession and are falsely showing the disputed land as parking. The defendants also contend that the plaintiffs have already constructed their shops on their respective plots and have no



right over any additional land or passage, although the defendants had expressed their willingness to grant a passage of 20–25 feet for ingress and egress to the plaintiffs' shops as a matter of convenience. They maintain that the plaintiffs have filed a false and frivolous suit to harass them.

8. The trial Court, after considering the pleadings, documents and arguments of both sides, held that the plaintiffs failed to establish a prima facie case for grant of temporary injunction. The Court noted that the plaintiffs' primary challenge was to the sale deed dated 22.11.2023 on the ground that defendants No. 3 and 4 were not the owners of the suit land and had no authority to transfer the same to defendants No.1 and 2. However, on examining the impugned sale deed along with the earlier sale deeds of 2013 relied upon by the defendants, the Court observed that defendants No.3 and 4 had themselves acquired title to the land under valid registered documents, which had never been challenged by the plaintiffs. No material was placed on record to show that defendants No.3 and 4 were divested of their rights at any point of time or that the land sold under the impugned deed was different from what they had previously purchased. The trial Court therefore found no prima facie basis to hold that defendants No. 3 and 4 lacked authority, title or competence to execute the sale deed in favour of defendants No. 1 and 2.

9. The Court also dealt with the plaintiffs' plea that the parking area in front of their shops was common land and that its value was included in the price of their plots. It held that the recitals in the sale deeds regarding availability of parking do not create any legally enforceable right in rem, especially in the absence of any registered easement or document establishing exclusive rights over



the said area. The plaintiffs had not produced any title document showing that the alleged parking space formed part of their purchased land. Rather, the plaintiffs' claim appeared to rest only on assertions and apprehensions which could be adjudicated only upon detailed evidence during trial.

10. A significant consideration weighed by the trial Court was the plaintiffs' own conduct. It noticed that several plaintiffs and their family members had, even after the filing of the present suit, entered into registered transactions involving the same property with defendants No. 1 and 2, and these sale deeds had neither been denied nor challenged. The Court held that such conduct prima facie reflected acquiescence in the ownership of defendants No. 1 and 2 and was inconsistent with the plaintiffs' present stand. The trial Court further took note of earlier civil proceedings for partition (Civil Suit No. 681/2015) in which the plaintiffs themselves had not disputed the proprietary rights of defendant Sudesh (predecessor of defendants No. 1 & 2), and had taken a stand that partition had already taken place and all co-sharers were in possession of their respective shares. The Court found that this earlier stand ran contrary to the plaintiffs' current plea that defendants No. 3 and 4 had no share or authority in the suit property.

11. On the question of irreparable loss, the Court held that the plaintiffs failed to show that the sale deed or the impugned transactions had caused any direct interference with their enjoyment of their existing plots or shops, and that their grievances were based more on future apprehensions, which cannot justify injunctive relief. The Court also found that the balance of convenience did not lie in favour of the plaintiffs, especially when multiple registered sale deeds had



already been executed and acted upon, and third-party rights may have come into existence.

12. Overall, the trial Court concluded that the plaintiffs had not satisfied any of the three essential requirements, prima facie case, balance of convenience or irreparable injury, and accordingly dismissed the application under Order 39 Rule 1 and 2 CPC.

13. The First Appellate Court upheld the dismissal of the injunction application by observing that the trial court had exercised its discretion soundly and in accordance with settled legal principles. The appellate court noted that although the plaintiffs challenged the sale deed dated 22.11.2023 executed by defendants No.3 and 4 in favour of defendants No.1 and 2, they had never questioned the earlier sale deeds through which defendants No.3 and 4 had themselves acquired title. The Court found no material to show that defendants No. 3 and 4 sold anything beyond their share or that they had lost title prior to executing the impugned sale deed. It was emphasised that the plaintiffs were themselves owners of only 3 kanals 10 marlas out of the total land of 37 kanals 14 marlas and therefore could not claim injunctive control over a much larger area under the pretext of a “parking area”.

14. The appellate court also noted that the plaintiffs’ reliance on recitals in their sale deeds regarding parking could not create any enforceable right against third parties, especially in the absence of any sanctioned layout plan or statutory recognition of a reserved parking area. The court observed that several plaintiffs had purchased land from defendants No.1 and 2 even after the filing of the suit, which clearly demonstrated acceptance of their title and undermined the plea that



the defendants' ownership was fraudulent or void. It further held that injunction could not be granted against a co-sharer, nor could any easement or reservation be imposed unilaterally by one co-sharer upon another without partition or mutual consent.

15. The appellate court also rejected the reliance placed on the judgment in the earlier partition suit (CS No. 681/2015), holding that the findings therein did not establish exclusive demarcation of shares and were based merely on the recitals of sale deeds, not on any sanctioned partition. It concluded that no better title could be transferred by the plaintiffs' vendors than what they themselves possessed, and that the challenge raised by the present appellants was inconsistent with their own earlier stands. Holding that the trial court's order was reasoned, balanced and founded upon correct application of law governing temporary injunctions, the appellate court dismissed the appeal.

Arguments of the Petitioner Before This Court

16. Before this Court, learned counsel for the petitioner contended that both courts below failed to appreciate that defendants No. 3 and 4 were not in possession of any identifiable portion of land and therefore could not have transferred possession to defendants No. 1 and 2. It is argued that the plaintiffs have been in continuous use of the parking area and excess portion ever since the purchase of their plots in 2011–2013, as reflected in the site plans and photographs appended with the plaint. It is further urged that the sale during the pendency of the litigation was void and could not affect the existing possession of the plaintiffs, and that the earlier judgment dated 18.10.2023 in the partition suit was not appreciated in proper perspective by the courts below.



17. Learned counsel submitted that the purpose of filing the suit would be defeated if the respondents were allowed to alter the nature of the property by raising construction on the area being used for common parking. Reliance was placed on the judgment in *Mohan Lal v. Preet Kumar 2008(3) LandLR 41* to argue that even a co-sharer in possession can be restrained if the intended act is prejudicial to the rights of other co-sharers. It was argued that the plaintiffs' livelihood is linked with the commercial viability of their shops and that refusal of injunction may lead to multiplicity of proceedings.

Arguments of the Respondents Before This Court

18. Conversely, learned counsel appearing for the respondents submitted that the petition is devoid of merit as both courts below have returned concurrent findings after exhaustive examination of facts and law. It is argued that the petitioners have no title or documentary basis to assert that the disputed portion constitutes a reserved parking area, and that mere recitals in their sale deeds cannot bind third parties or curtail the rights of defendants No. 3 and 4, who were undisputed co-sharers.

19. It is further submitted that several plaintiffs themselves purchased land from defendants No.1 and 2 after filing of the suit, thereby acknowledging their ownership and fatally weakening their present plea that the impugned sale deed is void. The respondents also argued that no easement, reservation or right of common user can be imposed unilaterally by one co-sharer on another without a sanctioned partition or mutual agreement. The alleged apprehension of dispossession was stated to be imaginary, as the plaintiffs remain in possession of their plots and shops.



20. Learned counsel also contended that the scope of revisional jurisdiction is narrow and does not permit re-appreciation of evidence unless the impugned orders suffer from jurisdictional error, perversity or patent illegality, which, according to them, is wholly absent in the present case.

Findings of This Court

21. Having considered the material placed on record and the submissions advanced, this Court is of the view that no ground is made out to warrant interference in revisional jurisdiction. The concurrent orders of the trial court and the First Appellate Court demonstrate application of mind to all relevant aspects, including the nature of the plaintiffs' claim, the title flowing from the earlier sale deeds, and the conduct of the parties. The primary challenge raised by the petitioners is directed against the competence of defendants No. 3 and 4 to execute the sale deed dated 22.11.2023. However, the foundational sale deeds under which defendants No. 3 and 4 derived their title remain unchallenged and unassailed. In the absence of any material to show divestment of their rights, the plea of lack of competence cannot be accepted even prima facie.

22. The petitioners' claim of a reserved parking area equally lacks substantiation. No approved layout plan, government sanction, or statutory document has been produced to demonstrate that such land was earmarked as common parking in a manner enforceable against third parties. The buyers' own sale deed recitals may regulate their inter se rights, but they cannot operate to fetter the rights of non-signatories, particularly where the property remains joint and unpartitioned. The plaintiffs' reliance on long usage is also insufficient to create an enforceable right in the absence of material indicative of a settled legal entitlement.



23. This Court also finds that the apprehension of dispossession or obstruction of access, as projected by the petitioners, is speculative at this stage. The plaintiffs continue to remain in possession of their respective plots and shops, and no material has been produced to show any immediate or irreversible threat to their rights warranting interlocutory protection. The balance of convenience also does not favour granting injunction, as doing so would effectively restrain co-sharers from managing their own property and may upset transactions already concluded.

24. In revisional jurisdiction, this Court is not expected to substitute its own view unless the subordinate courts' decisions suffer from manifest illegality or perversity. The orders under challenge reflect neither. Rather, they demonstrate a correct appreciation of the factual matrix and settled principles governing grant of temporary injunction. On a holistic view of the matter, this Court finds no infirmity in the concurrent findings warranting interference.

25. Accordingly, the revision petition is found to be devoid of merit and is hereby dismissed.

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

December 03, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No