

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

CR No.1205 of 2022

Date of Decision: 02.05.2022

Karamjit Kaur and another

.....Revisionists-petitioners.

Versus

Jagjit Singh

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Vijay Sharma, Advocate
 for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the order dated 14.02.2017 (Annexure P-3) passed by learned Civil Judge (Junior Division), Amloh (for short, 'the trial Court') granting an ex-parte ad-interim injunction in favour of the plaintiff-respondent (for short 'the plaintiff') by way of restraining the petitioners-defendants (for short, 'the defendants') from alienating the suit property and from interfering in his (plaintiff's) peaceful possession over the same and the order dated 06.11.2018 (Annexure P-2) passed by the trial Court modifying the order Annexure P-3 by directing the parties to maintain status-quo qua the existing circumstances over the suit property as well as the order dated 11.10.2019 handed down by learned Additional District Judge, Fatehgarh Sahib (for short, 'the Appellate Court') whereby the appeal preferred by them (defendants) to assail the order Annexure P-2,

has been disposed of with a direction to both the parties to maintain status-quo with regard to alienation, transfer of the said property by way of any of the modes, i.e. sale, lease, mortgage, gift and exchange etc, as well as qua the possession over the same till the final decision of the suit, the defendants have preferred the instant revision petition.

The plaintiff has filed a Civil Suit against the defendants for seeking a decree for declaration to the effect that he is the owner in possession of the land measuring 30 Bighas 13½ Biswas and that mutation No.1662 is illegal, null and void and he has also sought the relief of permanent injunction to restrain the defendants from alienating the said property and from interfering in his peaceful possession over it and from dispossessing him from the same, while averring that defendant No.1 is the wife and defendant No.2 is the minor son of his late brother Saudagar Singh, who executed a Will dated 14.05.2016 in his (plaintiff's) favour but the defendants got the said mutation qua the suit property illegally sanctioned in their favour and though, a compromise had been executed by him on 15.11.2016 but he had signed the same under the threat and pressure at the hands of the police authorities who were having good relations with defendant No.1 and her father.

The plaintiff also filed an application for seeking ad-interim injunction wherein order Annexure P-3 had, initially, been passed and later-on, the same was decided vide order Annexure P2 and the appeal preferred by the defendants to assail these orders, has been disposed of vide impugned order Annexure P-1 as discussed in the opening para of this

judgment.

I have heard learned counsel for the petitioners-defendants in the present petition and have also perused the file thoroughly.

Learned counsel for the defendants contends that the above-said Will, as claimed by the plaintiff to have been executed by his afore-named brother in his favour, is a forged document and a criminal case has also been registered against the plaintiff in this regard and moreover, the plaintiff has not been able to show his possession over the suit property and while passing the impugned orders, both the Courts below have also not given any findings qua the fulfilment of the pre-requisites, i.e. (i) prima-facie case (ii) balance of convenience and (iii) irreparable loss and even otherwise, the plaintiff had executed the said compromise (Annexure P-4) out of his own volition but now, he is backing out from abiding by the same and to add to it, the defendants have been saddled with the liability to repay the loan, as raised by said Saudagar Singh from the Bank against the suit property and in these circumstances, the plaintiff is not entitled to any interim relief and it being so, the impugned orders are not legally sustainable and the same deserve to be set aside.

However, the afore-raised contentions are devoid of any merit because as regards the plea qua the above-said Will being a forged document and a criminal case having been registered against the plaintiff in respect of the same, it is pertinent to mention here that concededly, the said criminal case has not yet been decided and even otherwise, this plea cannot be looked into and adjudicated at this stage and rather, the same can and

shall be appreciated and decided by the trial Court at the appropriate stage after considering and evaluating the evidence that may be led by both the parties on the record.

So far as the contention regarding the plaintiff having not been able to show his possession over the suit property and qua the trial Court having not made specific observations regarding the fulfilment of the above-said three pre-requisites to grant the injunction in favour of the plaintiff, is concerned, it is again worth-while to mention here that the trial Court as well as the Appellate Court have not granted any injunction in favour or against the plaintiff and rather, as discussed earlier, both the parties have been directed to maintain status-quo qua the alienation and possession of the suit property. Further, the alleged liability of the defendants to repay the loan amount, in itself, does not suffice at all to be a cogent ground to set-aside the impugned orders.

As a sequel to the fore-going discussion, it follows that there is no illegality, infirmity, irregularity or perversity in the impugned orders passed by both the Courts below, so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

May 02, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*