

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

CR No.695 of 2022

Date of decision: 22nd April, 2022

Harjit Kaur

... Petitioner

Versus

Gurjeet Singh & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vikram Preet Arora, Advocate for the petitioner.

FATEH DEEP SINGH, J.

Harjit Kaur present petitioner then plaintiff initially preferred against Gurjeet Singh and others (now respondents) suit for permanent injunction restraining them or their agents etc. from interfering into peaceful possession of the plaintiff in the suit property comprising of residential premises situated within the Lal Lakir which is duly described and depicted in the head note of the plaint. It is the own case of the plaintiff that she is a widow with her only living son residing abroad and claims to have come into possession of the property in the year 2012 upon death of her father Gurdev Singh, who had executed a registered Will dated 29.07.2011 in her favour. It is claimed further that defendants out of a conspiracy have managed to forge and fabricate two agreements to sell dated 10.12.2012 in respect of this property when earlier the plaintiff had sold three shops to different persons in the year

2014 and threatened over the acts has filed the suit in which she had sought ad-interim injunction.

The Court of learned Civil Judge (Senior Division), Rupnagar vide order dated 03.08.2021 ordered the parties to maintain status quo in respect of the possession of suit property and restrained the defendants from interfering into the peaceful possession of the plaintiff. The relevant part of the order reads as follows:-

“Thus, in this eventuality, this Court hereby directs both the parties to maintain status quo with regard to possession of the suit property and defendants are hereby restrained from interfering into the peaceful possession of the plaintiff over the suit property. Accordingly, stay application under reference is partly allowed. Ordered accordingly.”

The defendants filed an appeal and it is through impugned order dated 10.12.2014 the Court of learned Additional District Judge, Rupnagar reversed the findings of the Court below by setting aside the same and allowing the appeal and it is in these circumstances present invocation has come about by way of civil revision.

Upon hearing Mr. Vikram Preet Arora, Advocate for the petitioner and perusal of the records.

Since the plaintiff had filed the suit, a heavy onus lay upon her to establish her case beyond shadow of doubt. She claims that her deceased father Gurdev Singh was the owner in possession of the suit

property which was bestowed upon her through Will dated 29.07.2011. Without going to this aspect of the matter, her right to inheritance etc. and the validity of the Will, what is necessitated at this stage is what proof is forthcoming from the side of the plaintiff (now petitioner) as to her prima facie being in possession of the property. Being a simplicitor suit for permanent injunction where question of title of property is not to be gone into, there is not even an iota of document to show that this suit property which is within Lal Lakir is either the ownership or in possession of the petitioner plaintiff Harjit Kaur. Rather what has come across in the impugned findings, there is an agreement to sell, photographs, bank receipts, record of payment of rent and electricity bills which are in the name of respondent No.1 Gurjeet Singh son of Daljit Singh and which could not be controverted by the learned counsel for the petitioner in his submissions.

Apparently this Court cannot find any fault in the findings under challenge and the present revision which is wholly merit-less and unsustainable stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

April 22, 2022

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No