

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

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**Civil Revision No.5687 of 2022
Date of Decision: 05th December, 2022.**

Ruby Devi

...Revisionist-Petitioner

Versus

Anil Kumar Bhadana

...Respondent

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

Present :- Mr. Lalit K. Gupta, Advocate,
for the revisionist-petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant revision petition, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff') has assailed the order dated 30.03.2022 passed by learned Civil Judge (Junior Division) Faridabad (for short 'the trial Court') whereby the application moved by her under Order 39 Rules 1 & 2 read with Section 151 CPC, has been dismissed and she has also laid challenge to the order dated 19.07.2022 handed down by learned Additional District Judge, Faridabad (for short 'the lower Appellate Court') dismissing the appeal preferred by her (plaintiff) against the order dated 30.03.2022.

2. As per the brief factual-matrix culminating in the filing of the present revision petition, the plaintiff has filed the Civil Suit against the defendant for seeking a decree for permanent injunction to restrain him and also his agents from dispossessing her from the suit property forcibly and

illegally and also from creating any hindrance in her ingress to and egress from the same, while averring that she is the owner and is in possession of this property by virtue of the registered GPA and Will dated 23.10.2020, Agreement to Sell, Letter of Possession and the Receipt qua the full and final payment, as executed by one Pawan Hasija (for short 'the vendor') in her favour and has also got the electricity connection installed therein. She filed the afore-mentioned application along-with the Civil Suit. However, the respondent-defendant (here-in-after to be referred 'the defendant') has contested the claim of the plaintiff by asserting that he has purchased the suit property from the said vendor vide the registered Sale Deed dated 23.12.2021 and is in possession thereof since then.

3. I have heard learned counsel for the petitioner-plaintiff in this revision petition, at the preliminary stage and have also gone through the file carefully.

4. Learned counsel for the plaintiff contends that the plaintiff had paid the entire amount of the sale consideration to the above-named vendor vide the Receipt (annexed at Page No.39 in the paper-book) and the vendor had executed the GPA, Will, Agreement to sell and the Letter of Possession (annexed at Page No.36 in the paper-book) in her favour in respect of the suit property and since then, she (plaintiff) is in possession over the same and has also got an electric connection installed therein in her own name and Annexure P-3 is the copy of the Bill issued qua the same and in these circumstances, she is entitled to protect her possession over the suit property but however, learned trial Court as well as lower Appellate Court

have erroneously declined her prayer for the grant of ad-interim injunction in this regard.

5. However, the afore-raised contentions are devoid of any force because the said Will, GPA, Agreement to Sell, Letter of Possession, the Electricity Bill (Annexure P-3) and the Receipt do not suffice at all, at this stage, to prima-facie establish the possession of the plaintiff over the suit property specially in the circumstances when the lower Appellate Court has specifically observed in para No11 of the impugned order dated 19.07.2022 that the recitals of the registered Sale Deed dated 23.12.2021 show that the possession of the suit property was duly handed over by the above-named vendor to the vendee-defendant. To add to it, the plaintiff has not even impleaded the said vendor as the party in the Civil Suit, for the reasons best known to her, despite the fact that his (vendor's) pleadings/version would have clinched the entire controversy between the parties in the Suit.

6. As a sequel to the fore-going discussion, it follows that both the impugned orders do not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

7. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case/Civil Suit.

05.12.2022
seema

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>