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

CR-6351-2025 (O&M)

Date of decision : 11.09.2025

Gram Panchayat, Village Bahramke

...Petitioner

Versus

Bhag Singh Sandhu and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

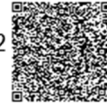
Present: Mr. L.S. Sidhu, Advocate,
and Mr. Nachattar Singh Kanda, Advocate,
for the petitioner.

Mr. N.S. Dandiwal, Advocate,
for the Caveator-respondent No.1.

HARPREET KAUR JEEWAN, J. (Oral)

1. Present Civil Revision has been filed under Article 227 of the Constitution of India, for setting aside the impugned order 18.08.2025 (Anexure P-8), passed by the Additional District Judge, Moga, partly accepting the appeal against the order dated 08.08.2025 (Annexure P-6) passed by the Civil Judge (Junior Division), Moga, vide which the application filed by the respondent-plaintiff under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908 (*for short, 'the CPC'*), for grant of temporary injunction pending main civil suit, was dismissed.

2. As per the brief facts on record, the respondent-plaintiff filed a Civil Suit (Annexure P-2), seeking decree for permanent injunction, restraining the petitioner-defendant No.1-Gram Panchayat from interfering in the peaceful possession of the plaintiff over the suit property, bearing Khasra Nos.23//8 (8-0) 14 (8-0), situated at Village Behramke, Tehsil Dharamkot, District Moga, on the ground that the



Gram Panchayat has given the suit property to the plaintiff on lease. The plaintiff had made a bid for the suit property, which was accepted and the Gram Panchayat had leased out the suit property to the plaintiff for a period of 02 years, i.e. from May 2025 to May 2027 @ Rs.65,000/- per acre per year and further, the plaintiff had paid Rs.2,60,000/- to the Gram Panchayat. It was further contended that the plaintiff was in physical possession over the suit land since May 2025.

2.1 The suit is being contested by the Gram Panchayat and others and a specific plea has been taken in the written statement (Annexure P-3) that the suit land comprising of Khasra No.23//14(8-0) has been earmarked for developing a playground, as per the resolution dated 06.05.2025, whereas, the suit property comprised of Khasra No.23/8(8-0) has been leased out to a third person, namely, Jagdish Singh S/o Sadhu Singh, resident of Village Behramke and this fact has been admitted by the plaintiff in his application submitted to the Police on 04.07.2025.

2.3 The Civil Judge dismissed the application under Order 39 Rules 1 & 2 CPC, vide order dated 08.08.2025, by holding that the plaintiff had failed to establish all the ingredients for getting relief of temporary injunction.

2.4 However, the First Appellate Court, vide the impugned order dated 18.08.2025, has partly allowed the appeal and restrained the defendants from interfering in the possession of the plaintiff *qua* the suit land illegally and forcibly, except in due course of law, till the final disposal of the case. While granting the said relief, the First Appellate Court observed as under:-

“Even assuming that the plaintiff/appellant is a trespasser or wrongdoer, his settled possession has to be protected. In other



words, once a person is in settled possession, he is not to be dispossessed otherwise than by legal manner. The plaintiff has no right to get a permanent injunction to prevent his eviction for all times to come, but he cannot be evicted or removed without due process of law. From perusal of the documents produced by the respondents/defendants, appellant/plaintiff is in possession of some portion over the suit property which is admitted fact. It is settled law that merely, because the defendants do not admit the possession of the plaintiff and claim to be in possession, is not sufficient to deny the relief of temporary injunction to the plaintiff particularly in absence of evidence.”

3. Notice of motion.
4. Mr. N.S. Dandiwal, Advocate accepts notice on behalf of the respondent.
5. I have considered the rival submissions made on behalf of the parties and perused the paper-book.
6. It is well settled that in order to succeed in his application for grant of temporary injunction under Order XXXIX Rules 1 & 2 CPC, the plaintiff has to prove three ingredients, i.e. *prima facie* case; balance of convenience in his favour; and irreparable loss to him. Apart from this, the plaintiff has to approach this Court with clean hands.
7. As per the pleadings of the plaintiff, he had alleged that he is in possession of the suit property. It is further alleged that the plaintiff had acquired the possession as the suit property has been leased to him by the respondent-Gram Panchayat and plaintiff had made a payment of lease money amounting to Rs.2,60,000/- The plaintiff did not place on record any written lease-deed. Apart from this, neither the proceedings of the Gram Panchayat for leasing the property to the plaintiff have been placed on record, nor the receipt for deposit of lease amount of Rs.2,60,000/- with the Gram Panchayat has



been placed on record. On the other hand, it is a specific plea of the Gram Panchayat that property has not been leased to the plaintiff.

7.1 In such circumstances, in the absence of any document on record supporting the contention of the plaintiff, there is no *prima facie* case in favour of the plaintiff. Since the property belongs to the Gram Panchayat and is to be used for the public purposes for all the residents of the village, as such, the balance of convenience does not lie in favour of the plaintiff. This aspect has been overlooked by the First Appellate Court while holding that there is no concealment of facts on record. In the absence of any receipt for payment of Rs.2,60,000/- having been issued by the Gram Panchayat, the claim of the plaintiff shatters and there is no *prima facie* case in his favour.

7.2 The plaintiff having failed to make out a *prima facie* case in his favour, would not be entitled to temporary injunction, as such, the impugned order suffers from irregularity and illegality.

8. In view of the above, present petition is allowed; the impugned order dated 18.08.2025, passed by the First Appellate Court is set aside; and the findings recorded by the Civil Judge vide order dated 08.08.2025, while dismissing the application under Order XXXIX Rules 1 & 2 CPC, are hereby affirmed.

9. It is made clear that there are no observations on merits of the controversy.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

11.09.2025

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[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No