



CR-6460-2025

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

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CR-6460-2025

Date of decision :15.09.2025

BABITA AND OTHERS

... PETITIONER

VERSUS

MANJEET

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Lekhraj Nandal, Advocate
for the petitioners.

PARMOD GOYAL, J. (ORAL)

1. The plaintiff-petitioner is aggrieved by the dismissal of his application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908, vide order dated 05.02.2025 (Annexure P-3) passed by the Court of first instance, i.e., the Civil Judge (Junior Division), Rohtak. The petitioner is further aggrieved by the appellate order dated 05.08.2025 (Annexure P-1), whereby the appeal filed by the plaintiff was also dismissed by the learned Additional District Judge, Rohtak.

2. The plaintiffs, in their suit for declaration and possession, are seeking share in the suit property by claiming it to be coparcenary property. Along with the suit, they filed an application under Order 39 Rules 1 and 2 of CPC, seeking an injunction to restrain the defendant from alienating the suit property and from interfering with the peaceful possession of the plaintiffs over the same.

3. Both the Courts below have concluded that the plaintiffs have failed to establish a prima facie case regarding their possession over the suit property. Consequently, the application under Order 39 Rules 1 and 2 of the CPC, was



dismissed.

4. On consideration, I do not find any error in the conclusions drawn by the learned Courts below. Prima facie, there is no material on record to establish that the plaintiff is in possession of the suit property. The plaintiff is also aggrieved by the fact that the Courts below did not pass any specific order restraining the defendant from alienating the suit property. However, no such specific restraining order is required, as the suit property is already governed by the doctrine of *lis pendens* in accordance with the provisions under Section 52 Transfer of Property Act, 1882. In view of the above, the present revision petition is found to be without merit and is accordingly dismissed.

15.09.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No