



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

(119)

CR-8482-2025 (O&M)
Date of Decision:-**05.12.2025**

Surjeet Kaur and others

... Petitioners

Versus

Santosh Devi

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Roopak Bansal, Advocate
for the petitioners.

Mr.Lovedeep Sandhu, Advocate and
Mr. Diwan S. Adlakha, Advocate
for the caveator/respondent.

VIRINDER AGGARWAL, J. (Oral)

1. The present revision petition has been filed to challenge a series of orders passed by the learned Courts below. The first is the order dated 10.07.2025 (Annexure P-6) issued by the learned Civil Judge (Junior Division), Bilaspur, through which the respondent-plaintiff's application seeking interim injunction was allowed. The second is the order dated 03.09.2025 (Annexure P-8) delivered by the learned Additional District Judge, Yamuna Nagar, whereby the appeal preferred by the petitioner was dismissed and the injunction order was affirmed. The third is the order dated 01.11.2025 (Annexure P-10) passed by the learned Civil Judge (Junior Division), Bilaspur, rejecting the petitioner's request for vacation, alteration, or modification of the injunction. These successive orders, taken together, constitute the subject matter of challenge in the present revision petition.



2. Briefly stated, the respondent–plaintiff instituted a suit for permanent injunction asserting that the suit property is a joint holding of the parties along with other co-sharers. It was specifically pleaded that the plaintiff is in exclusive possession of Khasra No. 22//7 measuring 1 Kanal 2 Marlas, whereas the appellants–defendants are in possession of Khasra No. 22//16/2/2. The grievance of the plaintiff is that, taking undue advantage of his absence, the defendants commenced raising construction over the portion of land falling within the plaintiff’s exclusive possession. Along with the suit, the plaintiff also filed an application seeking an interim injunction to restrain the defendants from carrying out any construction activity on the suit land belonging to the plaintiff.

3. The appellants/defendants entered appearance and contested both the suit and the accompanying application for interim injunction. They asserted that, being co-owners, each co-sharer is legally deemed to be in possession of every inch of the joint property and, therefore, every co-owner is entitled to raise construction thereon. They further pleaded that they are, in fact, in exclusive possession of the portion of land in question, and that such possession stands admitted by the plaintiff. It was also contended that the construction undertaken by the defendants had already progressed up to the level of the lintel, and substantial expenditure had been incurred in the process. The appellants further submitted that Amarjit Kaur and others had earlier instituted a similar suit against them, and upon failing to obtain any relief therein, the present suit was allegedly filed in collusion with those parties. On these grounds, they prayed for dismissal of the injunction application.



3.1. Upon hearing both sides, the learned Civil Judge allowed the application for interim injunction, restraining the appellants/defendants from interfering with the plaintiff's peaceful possession over the suit property and from altering the nature of the property by raising further construction.

4. The appellants–defendants preferred an appeal against the injunction order, which was dismissed by the learned Additional District Judge vide the impugned order dated 03.09.2025. Thereafter, the appellants–defendants filed a separate application seeking modification or vacation of the injunction; however, the learned Civil Judge declined the said request through the impugned order dated 01.11.2025. Aggrieved by these concurrent orders, the appellants–defendants have approached this Court by way of the present revision petition, contending that both the learned Courts below committed material illegality and jurisdictional error in placing undue reliance on revenue entries in the jamabandis. It is urged that the learned Courts below failed to appreciate the legal status of the appellants–defendants as co-sharers and proceeded on an erroneous assumption that permitting them to continue construction would amount to an act of ouster against the plaintiff. It is further asserted that the Courts below overlooked the settled principle that entries in the jamabandi are neither conclusive proof of title nor of possession, and such entries are always rebuttable.

5. The revision petition was duly contested by the respondent–plaintiff, who had earlier lodged a caveat and thereafter entered appearance through counsel to oppose the matter.

6. I have carefully considered the submissions advanced by learned counsel for both sides and have meticulously examined the entire case record with their valuable assistance.



7. Learned counsel for the appellants–defendants contended that the impugned orders are unsustainable in law, as the appellants, being in exclusive possession of the suit land, are fully entitled to raise construction thereon. It was further argued that the legal position is well settled that once construction has progressed up to the lintel level, no prejudice would be caused to the respondent–plaintiff by permitting the appellants to complete the remaining work. On the contrary, restraining the appellants from proceeding further would result in irreparable loss and injury to them.

8. Conversely, learned counsel for the respondent–plaintiff submitted that the orders passed by the Courts below suffer from no illegality or infirmity. It was argued that both Courts correctly held that the plaintiff, being in exclusive possession of the suit property, is fully entitled to seek restraint against the appellants–defendants from interfering with such possession or altering the nature of the property. Accordingly, it was urged that the present revision petition deserves to be dismissed.

9. Both the learned Courts below have rightly relied upon the entries recorded in the jamabandi. It is not in dispute that the parties to the suit are co-sharers in a joint holding. The revenue record reflects that the respondent–plaintiff is co-owners in exclusive possession of the suit land comprising Khasra No. 22//7, while the appellants–defendants are recorded to be in exclusive possession of Khasra No. 22//6/2/2. The entries in the jamabandi carry a statutory presumption of truth, and the appellants–defendants have failed to demonstrate, either through pleadings or record, the specific khasra number over which they claim exclusive possession other than what is reflected in the revenue entries.



9.1. During the course of arguments, when queried by the Court regarding the khasra number in which the appellants–defendants were raising construction, learned counsel, upon instructions from one of the appellants, unequivocally stated that the construction was being raised in Khasra No. 22//6/2/2. The jamabandi indicates that the appellants–defendants are shown to be in exclusive possession only of this khasra number, whereas the present suit concerns Khasra No. 22//7, which stands recorded in the exclusive possession of the respondent–plaintiff. Learned counsel for the appellants also candidly admitted that no construction is being raised in Khasra No. 22//7.

9.2. As regards the contention that the present suit has been filed in collusion with Amarjit Kaur and others merely because they were unsuccessful in a previously instituted suit, the argument is without merit. The earlier suit filed by Amarjit Kaur and others pertained to Khasra No. 22//6/2/2 the land in the exclusive possession of the appellants–defendants. In that suit, interim injunction was declined by the learned Civil Judge, and the appellants were permitted to complete the construction subject to the condition that they would not be entitled to claim compensation at the time of partition if the constructed portion did not fall to their share. Thus, the earlier proceedings concerned an entirely different parcel of land.

9.3. In contrast, the present suit relates exclusively to Khasra No. 22//7, recorded in the exclusive possession of the respondent–plaintiff. Both the learned Courts below have rightly held that a co-owner in exclusive possession of a specific portion of joint land is entitled to seek protection against interference by other co-sharers, and that no co-sharer has the right to



alter or change the nature of the portion under the exclusive possession of another.

9.4. In light of the material on record and the well-reasoned findings of both learned Courts below, no illegality, perversity, or infirmity is found in the impugned orders. Consequently, the present revision petition, being devoid of merit, stands dismissed.

10. However, the observations made herein shall not be construed as an expression of opinion on the merits of the suit. They are confined solely to the adjudication of the present controversy and the issues arising in this revision.

11. With the adjudication of the principal matter having attained finality, any pending miscellaneous applications if still subsisting shall, as a natural and inevitable consequence, stand disposed of without the need for separate orders.

05.12.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No