

2026:PHHC:045586



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

116

CR-2035-2026

Date of decision :23.03.2026

MANOJ AND OTHERS

... PETITIONERS

VERSUS

KALO @ KALAWATI AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. B.S. Beniwal, Advocate
for the petitioners.

PARMOD GOYAL, J. (ORAL)

1. The present revision petition has been preferred by petitioners—defendants being aggrieved by the order dated 23.07.2024 passed by the Civil Judge (Junior Division), Hisar, whereby the application filed by the respondents—plaintiffs under Order 39 Rules 1 and 2 read with Section 151 CPC in a suit for permanent (prohibitory) and mandatory injunction was allowed. The appeal filed by petitioners—defendant Nos. 1 to 3 against the said order was also dismissed by the Court of the Additional District Judge, Hisar, vide judgment dated 24.12.2025.

2. The respondent No. 1-plaintiff along with the suit for permanent (prohibitory) and mandatory injunction, filed an application under Order 39 Rules 1 and 2 read with Section 151 CPC, claiming to have purchased the suit land measuring 28 Kanals 12 Marlas comprising in Khewat No. 145, Khatauni

Village Chaudhariwali, Sub-Tehsil Balsamand, District Hisar. It was asserted that the suit land was purchased from the previous owners, namely Smt. Komal and Smt. Sita, on the basis of two separate registered sale deeds dated 19.04.2022 and 10.05.2022. The said Smt. Komal had earlier purchased the said property from defendant No. 4 through a registered sale deed dated 21.01.2020. It was further pleaded that defendant No. 4 had earlier filed Civil suit bearing No. 83 of 2007 titled 'Jagdish Chander Vs. Manphool Singh and others' claiming ownership and specific possessory rights over the same land against the predecessor-in-interest of defendant Nos. 1 to 3. The said suit was decreed vide judgment and decree dated 02.11.2011 passed by the Civil Judge (Junior Division), Hisar, and the appeal preferred against the same was dismissed by the learned District and Sessions Judge, Hisar, vide judgment and decree dated 04.09.2015. Consequently, the ownership and possessory rights of defendant No. 4 qua specific killa numbers stood upheld. Thereafter, defendant No. 4 sold the property to Smt. Komal in the year 2020, who in turn sold it to the respondent-plaintiff in the year 2022. It was thus asserted that the petitioners-defendants have no concern or connection with the suit land and are illegally attempting to interfere in the peaceful ownership and possession of the respondent-plaintiff. Accordingly injunction was sought during the pendency of suit.

3. On the other hand, the petitioners-defendants contended that the suit land forms part of a larger parcel of land measuring 425 Kanals 17 Marlas, comprising in various khasra numbers as detailed in the written statement. It was stated that the land was previously owned and possessed by Shanker Lal and

and Santi (daughter) of Bagrawat, son of Hardas, to the extent of 2/3rd share, comprised in Khewat No. 67//62, Khatauni Nos. 190 to 195. The petitioners-defendants asserted that no family settlement or partition had ever taken place, nor had the parties approached the Tehsil for partition. It was further alleged that Rapat No. 350 dated 25.07.1981 was wrongly incorporated in the revenue record and that Mutation No. 1495 in Khewat No. 67 jamabandi for the year 1979–80, was sanctioned clandestinely and is not binding upon their rights.

4. It was also contended that although defendant No. 4 had purchased land measuring 14 Kanals 16 Marlas vide sale deed No. 330 dated 10.05.2007 and had further purchased land measuring 13 Kanals 16 Marlas vide sale deed No. 1404 dated 12.07.2007, however, the said transactions were merely paper transactions. While the filing of Civil Suit No. 83 of 2007, as well as the judgments and decrees dated 02.11.2011 and 04.09.2015 passed by the trial Court and the First Appellate Court respectively, were admitted, it was claimed that RSA No. 791 of 2022, titled as ‘Manfool Singh deceased through his LRs Vs. Jagdish Chander’, filed by the legal representatives of Manfool Singh is still pending before the Punjab and Haryana High Court. On this basis, it was argued that it is petitioners-defendants who are in possession of the suit land and the respondent No. 1- plaintiff has no right thereto.

5. Both the learned Courts below, after considering the factum of partition as reflected in the revenue record, including Rapat No. 350 dated 25.07.1981, Mutation No. 1495, and subsequent Jamabandis for the years 1974–75, 1979–80, and 1984–85, as well as the chain of title through defendant No. 4 read with findings recorded vide judgments and decrees dated 02.11.2011 and

established a *prima facie* case of ownership and possession over the suit land.

6. I find no error in the said *prima facie* findings. The Courts below have rightly held that respondent No. 1-plaintiff is the owner in exclusive possession of the suit land and that petitioners-defendants have *prima facie* no right therein. As per revenue records and also in earlier round of litigation between predecessor-in-interest of both plaintiffs and defendants possession over suit land has been found to be predecessor-in-interest of plaintiffs.

7. In view of the respondent No. 1-plaintiff having established a *prima facie* case, the balance of convenience was also rightly held to be in favour of the respondent No. 1-plaintiff, and it was further observed that in the absence of interim protection, the respondent No. 1-plaintiff would suffer irreparable loss. The findings recorded by the Courts below are based on the material available on record and do not call for interference in the exercise of revisional jurisdiction by substituting a different opinion. Mere pendency of the appeal, in the absence of any stay operating against the petitioners-defendants, does not advance the case of the petitioners at this stage.

8. Learned counsel for the petitioners has placed reliance upon the order dated 15.01.2026 passed by the learned Court of first instance, whereby the application seeking police assistance was declined. It is contended that the very filing of the said application indicates that the petitioners-defendants are in possession of the suit land. However, I do not find any merit in the said contention.

9. An injunction against the present petitioners-defendants was granted way back in the year 2024, and the appeal preferred by the petitioners-defendants was dismissed by the First Appellate Court in the year 2025. The

subsequent application alleging interference and seeking police help to ensure compliance of injunction order would not dilute the effect of the injunction already granted in favour of the respondents-plaintiffs. The injunction order cannot be set aside merely on account of such subsequent events.

10. Accordingly, the present petition, being devoid of merit, is hereby dismissed.

11. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

23.03.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No