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

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Date of decision: 12.05.2026

SATYAWATI @ SATTO DEVI

....PETITIONER/PLAINTIFF

VERSUS

JAGDISH CHAND AND ORS

...RESPONDENTS/DEFENDANTS

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Kanwar Abhay Singh, Advocate
for the petitioner/plaintiff.

Mr. Praveen Kumar, DAG Haryana for respondents No.4 & 5.

YASHVIR SINGH RATHOR, J. (ORAL)

1. This revision petition is directed against the order dated 11.02.2026 passed by the learned Appellate Court whereby the civil miscellaneous appeal preferred by the petitioner/plaintiff against the order dated 14.05.2024 passed by the Court of Civil Judge (Junior Division) has been dismissed vide which the application under Order 39 Rule 1 and 2 C.P.C. was dismissed.

2. Case of the petitioner/plaintiff is that she, defendants No.1 to 3 and proforma defendant No.6 are the siblings and were the co-owners in joint possession of suit land measuring 89 kanals 4 marlas detailed in para No.1 of the plaint which was previously owned and possessed by the great-grandfather of the parties to the suit. Later on, the same was inherited by Sh. Sher Singh, who was the father of the plaintiff, defendants No.1 to 3 and proforma defendant No.6 and the same was



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ancestral property. It has been alleged that defendants No.1 to 3 in collusion with each other by playing fraud obtained signatures of plaintiff and that of proforma defendant No.6 on blank papers and on the basis thereof, they succeeded in obtaining a judgment and decree dated 23.02.1991 passed by the then Sub Judge, Gurgaon, against the plaintiff and subsequently, mutation No.5528 dated 24.03.1998 has been sanctioned in their favour. Now the suit property has been partitioned by all the co-sharers and defendants No.1 to 3 have been allotted the land measuring 18 Kanal 1 Marla comprised in Khewat No.878/877, Khatoni No.954, Rect. No.125, Killa No.13/1 (1-8), 12 (8-0), 12 (8-0), 13 (8-13), as per the jamabandi for the year 2013-14 and subsequently, mutation No.9400 dated 14.12.2015 has been sanctioned. Defendants No.2 and 3 have further transferred 5 kanals land each in favour of defendant No.1 by way of Court decree dated 15.03.2002 in Civil Suit No.87 of 2002 passed in Permanent Lok Adalat, Gurgaon. Defendant No.1 is now having 16 kanal 1 marla land while defendants No.2 and 3 have 1 kanal each. All the said decrees are illegal, null and void. Plaintiff came to know about the judgment and decree dated 23.02.1991, through her son in May 2022. The land has now been acquired under Land Acquisition Act vide Award No.1/2022 dated 16.08.2022. By way of present suit, a declaration has been sought to the effect that the judgment and decree dated 23.02.1991 is illegal, null and void and a decree for permanent injunction has been sought restraining defendants No.1 to 3 from receiving the compensation amount from the office of defendants No.4 and 5 and further restraining



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defendants No.4 and 5 from releasing the same in their favour. Similar, ad interim relief has also been sought by way of application under Order 39 Rule 1 and 2 C.P.C.

3. Defendants No.1 to 3 in their written statement have challenged the suit on the ground of limitation. It is further submitted that the suit property was self-acquired property of their father Sher Singh and there was no joint Hindu family. They are the owners of the suit property as per judgment and decree dated 23.02.1991. The plaintiff and proforma defendant No.6 had willingly admitted the claim of the answering defendants in the previous suit and the decree was passed in their favour. Thereafter, an award dated 15.03.2002 was passed against defendants No.1 to 3 and dismissal of the application was sought.

4. After hearing the parties and going through the material on file, learned Trial Court dismissed the application under Order 39 Rule 1 and 2 C.P.C. Aggrieved with the same, petitioner/plaintiff instituted an appeal which has also been dismissed vide order dated 11.02.2026.

5. Feeling aggrieved, the revision petition in hand has been preferred.

6. I have heard learned counsel for the petitioner and have gone through the material placed on record.

7. As per version of petitioner/plaintiff, the suit property is ancestral, joint Hindu family property which was inherited by her father Sher Singh. Defendants No.1 to 3 by playing fraud upon her obtained her signatures on blank papers as well that of proforma defendant No.6-Gian



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Devi and procured judgment and decree dated 23.02.1991, whereas, no such decree was suffered by her and she came to know about it in May 2022. However, no material has been placed on file by the petitioner/plaintiff to prima facie show that the suit property was ancestral, joint Hindu family, coparcenary property in the hands of her father having inherited the same through male lineal descent from the great-grandfather. It is well settled that every property is presumed to be self-acquired unless proved to the contrary but no material has been placed on record to prima facie show the nature of the suit property to be ancestral, joint Hindu family, coparcenary property.

8. Another plea raised by the petitioner is that her signatures and that of her sister i.e. proforma defendant No.6, had been obtained on blank papers and the impugned judgment and decree dated 23.02.1991 was got passed. However, this plea raised by the plaintiff too cannot be accepted as a gospel truth as she had filed written statement wherein she had admitted the claim of her brothers and her statement was also recorded in the Court. It is well settled that presumption of correctness is attached to the proceedings conducted before a Court and mere assertion that she neither appeared before the Court nor suffered the decree, cannot be believed. A statement made in the Court cannot be lightly brushed aside on a mere allegation that the signatures were obtained on blank papers particularly when the decree was executed in the year 1991 and the suit has been instituted after so many years i.e. in the year 2022. As such, bald plea of fraud not substantiated by any supporting material cannot be



accepted as a gospel truth particularly when the same was never challenged for the last more than 30 years. As such, the Trial Court as well as the First Appellate Court have rightly come to the conclusion that no prima facie case is made out in favour of the plaintiff and she shall not suffer any irreparable loss or injury and no balance of convenience lies in her favour in case injunction is not granted. Both the Courts have thus rightly interpreted the principles governing the grant of temporary injunction in a judicious manner.

9. In view of the aforesaid discussion, I am of the view that the impugned orders do not suffer from any illegality, perversity or material irregularity so as to call for interference in the present revision petition and petition in hand is ordered to be dismissed.

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

12.05.2026

Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No