



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

119

CR-3966-2026**Reserved on: 13.05.2026****Pronounced on: 26.05.2026****Uploaded on: 26.05.2026**

Jaipal (deceased) through LRs and others

...Petitioners

Versus

M/s New India City Developers Pvt. Ltd. and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Amit Jain, Senior Advocate, with
Mr. Varun Parkash, Advocate,
For the petitioners.

Mr. Ashish Chopra, Senior Advocate, with
Mr. Abhinav Kaushik, Advocate,
for respondent No.1/caveator.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India for quashing of the order dated 29.10.2025 passed by the learned Civil Judge (Junior Division), Gurugram, and the order dated 01.04.2026 passed by the learned Additional District Judge, Gurugram, whereby the application for injunction filed by the petitioners/plaintiffs was dismissed by the learned Civil Judge (Junior Division), Gurugram, and the said order was upheld by the learned Additional District Judge, Gurugram.

2. The brief facts of the case are that the petitioners–Jaipal (since deceased) through his legal representatives and others filed a suit for



permanent and mandatory injunction against the respondents–New India City Developers Pvt. Ltd. and another. Along with the suit, an application under Order 39 Rules 1 and 2 read with Section 151 CPC was also filed by the petitioners/plaintiffs seeking ad interim injunction restraining the respondents/defendants from dispossessing the petitioners/plaintiffs or interfering in their alleged peaceful possession over the suit land during the pendency of the suit. The petitioners claimed that they were in continuous, uninterrupted and exclusive possession of the suit land, which according to them was their ancestral property, and that construction had been raised thereon for the last 35–40 years. It was further alleged that respondent No.1, being an influential builder company, was bent upon dispossessing the petitioners/plaintiffs from the suit property with the assistance of respondent No.2/defendant No.2, thereby disturbing their settled possession over the suit property. Accordingly, a prayer was made in the said application for restraining the respondents from dispossessing the petitioners/plaintiffs or interfering in their alleged peaceful possession over the suit land till the final disposal of the suit.

3. Notice of the suit as well as of the application for interim injunction was issued to the respondents/defendants, who contested the same by filing their written statement. Respondent No.1 denied that the petitioners were co-owners of the suit land or that they were in exclusive possession of the suit property. It was further contended by respondent No.1 that his predecessor-in-interest had purchased a certain share in the said land vide certain sale deeds, and thereafter he (respondent No.1) had



purchased the said share. It was further alleged that the suit property, along with other parcels of land, had already been the subject matter of previous partition and declaratory litigation. It was further contended by respondent No.1 that although the petitioners had alleged that construction had been raised on the suit property 35–40 years ago, in fact, the construction had been raised only recently and in a hurried manner with a view to create evidence of possession over the suit property. It was further submitted that respondent No.1 and another had earlier filed a suit for declaration and consequential relief of permanent injunction against the petitioners and others, which was decreed vide judgment and decree dated 02.02.2013, wherein the learned Civil Judge (Junior Division), Gurugram, categorically held that respondent No.1 and another were the owners in possession of the suit property. Accordingly, a prayer was made for dismissal of the application. The learned trial Court, after hearing learned counsel for the parties, dismissed the application vide order dated 29.10.2025. Aggrieved against the said order, the petitioners preferred an appeal before the learned first appellate Court, which too was dismissed vide order dated 01.04.2026. Still aggrieved, the petitioners have filed the revision petition before this Court.

4. I have learned counsel for the parties and have perused the paper book with their able assistance.

5. The dispute in the present case pertains to land comprised in Khewat No.272/255, Khatoni No.290, Rect. No.17, Killa No.1 (3-3), 11(8-0), 12(8-0), 13(8-0), 18(8-0) admeasuring 35 Kanal 3 Marla situated within



the revenue estate of Village Tigra, Sub-Tehsil Wazirabad, District Gurugram, Haryana, (hereinafter referred to as the suit property). The petitioners have claimed that their ancestors had been in exclusive possession of the suit property for more than 35–40 years and had raised construction thereon. It has further been alleged that respondent No.1 has no right, title or interest in the said khasra number, yet is bent upon dispossessing the petitioners from the suit property with the assistance of respondent No.2–District Town Planner (Enforcement), Office of the Director, Gurugram.

6. On the contrary, respondent No.1 contended that respondent No.1 and others had filed Civil Suit No.321 dated 29.03.2004 for declaration with consequential relief of permanent injunction, which was decided on 02.02.2013, wherein respondent No.1 and others were held to be in exclusive possession of the disputed land bearing Killa No.1 (3-3), and the said suit filed by respondent No.1 and others was decreed accordingly.

7. During the course of arguments, though learned counsel for the petitioners placed heavy reliance upon the jamabandi for the year 2021–2022 to establish the exclusive possession of the petitioners over the suit property, this Court is of the view that the said jamabandi is of no assistance to the petitioners in view of the judgment dated 02.02.2013 passed by the learned Civil Judge (Senior Division), Gurugram, whereby respondent No.1 and others were held to be in exclusive possession of the disputed land bearing Killa No.1 (3-3). A perusal of the copy of the



judgment and decree dated 02.02.2013 further reveals that the present petitioners were parties to the said suit. In the aforesaid suit, respondent No.1 examined PW-2 Rajender Kumar, who produced the original file of the partition proceedings in the case titled “Karishma Estate Pvt. Ltd. Vs. Brahampal and others.” In the said case, PW-4 Satbir Singh, Advocate, was also examined, who deposed that he had prepared and filed the written statement, i.e. Ex.PW4/1, in the partition proceedings. A perusal of the said written statement Ex.PW4/1 reveals that the present petitioners had admitted that Tajram, Madan Lal, Dayaram and other co-owners of the suit property had sold their respective shares to the plaintiff/respondent No.1. They had further admitted therein that the previous co-owners and the defendants in the present case had orally partitioned the suit land more than 14 years earlier. Thus, this Court is of the considered view that the present petitioners had admitted the factum of partition amongst the defendants and the previous co-owners in their written statement Ex.PW4/1. Moreover, in view of the evidence on record, respondent No.1 and others have already been held to be in exclusive possession of the disputed land bearing Rect. No.17, Killa No.1 (3-3). The judgment and decree dated 02.02.2013 passed in Civil Suit No.321 dated 29.03.2004 was never challenged by the petitioners at any point of time. Consequently, the petitioners cannot now be permitted to contend that they are in exclusive possession of the disputed khasra numbers/suit property or seek restraint against the respondents from dispossessing them or interfering in their alleged peaceful possession over the suit property. Accordingly, this Court finds that the



learned Courts below have rightly passed the impugned orders against the present petitioners by holding that no *prima facie* case is made out and the balance of convenience also does not lie in their favour and moreover, the appellants have concealed the fact regarding the earlier litigation.

8. In view of the aforesaid discussion, no illegality or perversity is found in the impugned order dated 29.10.2025 passed by the learned Civil Judge (Junior Division), Gurugram, and the order dated 01.04.2026 passed by the learned Additional District Judge, Gurugram, so as to warrant interference by this Court. Accordingly, the present revision petition stands dismissed.

9. The present petition is disposed of accordingly.

May 26, 2026
anil

(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No