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

CR-5874-2025 (O&M)
Date of decision: 25.03.2026

Mamta

...Petitioner

Versus

Jagdish Chander

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mohit, Advocate for the petitioner.

Mr. Chetan Bansal, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

CHALLENGE IN THE PRESENT REVISION PETITION:-

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 29.07.2025 (Annexure P-15) passed in Civil Suit No.CS/1383/2024 titled as “Jagdish Chander Vs. Mamta” by the Civil Judge (Junior Division), Hisar (Haryana) whereby application (Annexure P-11) moved by the respondent for seeking police assistance has been allowed.

ARGUMENTS ON BEHALF OF THE PETITIONER:-

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner has been in possession of the house in question since the date of her marriage with the son of the plaintiff. It is submitted that the trial Court as well as the Appellate Court while granting injunction in favour of respondent-plaintiff has not duly taken the said fact into



consideration. It is further submitted that the petitioner has challenged the said order of the trial Court as well as of the Appellate Court by filing CR-5006-2025 in which notice of motion has been issued. It is further submitted that the plaintiff-respondent had filed an application for providing police help and the trial Court has granted police help without giving any affirmative finding that the petitioner has violated the order of injunction. It is submitted that since the petitioner has been in possession of the property prior to the grant of the said injunction thus, the petitioner cannot be stated to have violated the injunction order. In support of his arguments, learned counsel for the petitioner has relied upon the judgment of the Coordinate Bench of this Court in the case of *Iqbal Singh Vs. Mridu Nagpal and another* reported as 2009(4) PLR 554. It is submitted that the said order be set aside and the application filed by respondent-plaintiff for providing police help be dismissed.

ARGUMENTS ON BEHALF OF THE RESPONDENT:-

3. Learned counsel for the respondent, on the other hand, has submitted that the trial Court, after considering all the arguments raised on behalf of both the parties, had granted positive injunction in favour of the respondent-plaintiff and had even dismissed the injunction filed by the petitioner, along with the counter claim. It is submitted that it was specifically held by the trial Court that the petitioner is not in possession of the premises in question and that even appeal filed by the petitioner against the said order has been dismissed and thus, it does not lie in the mouth of the petitioner to argue that the petitioner was in possession of the premises prior to the passing of the injunction order. It is further submitted that there



is no stay order granted in favour of the petitioner in Civil Revision No.5006 of 2025 filed by the petitioner and thus, the order of injunction is operative. It is further argued that in the application for seeking police help, specific averments and the details of the dates have been mentioned, on which date, the petitioner along with other relatives had trespassed into the house in question after breaking open the lock and in spite of the injunction order in favour of respondent having been shown, they refused to comply with the said order. It is argued that the fact that in spite of the said injunction order, the petitioner has raised a plea that she is in possession of the premises, clearly shows that the act and conduct of the petitioner is in violation of the said injunction order. It is submitted that the order passed by the trial Court granting police help is in accordance with law and deserves to be upheld. It is further argued that it is the duty of the Court to implement its order and in case police help is not granted then in spite of there being a specific injunction in favour of the respondent-plaintiff, the respondent-plaintiff would not be able to enjoy the benefit of it.

ANALYSIS AND FINDINGS:-

4. This Court has heard learned counsel for the parties and has perused the paper book and finds that the impugned order dated 29.07.2025 vide which police help has been granted to respondent-plaintiff is in accordance with law and deserves to be upheld and the present revision petition challenging the said order to the said extent deserves to be dismissed for the reasons stated hereinafter.

5. It is not in dispute that respondent-plaintiff, who is stated to be a 70 years old man, had filed a suit for permanent, mandatory and



prohibitory injunction restraining the defendants from taking forcible possession and from interfering in the possession of the plaintiff of the suit property. The present petitioner was impleaded as defendant No.1. Along with the suit, respondent-plaintiff had filed an application under Order 39 Rules 1 and 2 CPC. It would be relevant to note that defendant No.1/present petitioner had filed a counter claim, a copy of which has been annexed along with the present revision petition as Annexure P-5. A perusal of the same would show that in the counter claim, one of the prayers made was that she should not be dispossessed forcibly or illegally from the house in question and that the plaintiff had no right to alienate the said property. Along with the said counter claim, the petitioner had filed an application under Order 39 Rule 1 and 2 CPC for restraining the plaintiff from dispossessing the petitioner/defendant No.1 and from alienating the suit property.

6. The trial Court vide detailed order dated 07.04.2025 (Annexure P-7) had granted positive injunction in favour of respondent-plaintiff and had dismissed the application for injunction filed by the petitioner/counter claimant. Relevant portion of the said order is reproduced hereinbelow:-

*“As the plaintiff has proved all the requisites as required for the purpose of allowing an application under order 39 rules 1 and 2, as afore-discussed, therefore, the present application is **allowed, to the effect that defendants are restrained from interfering into the peaceful possession of the plaintiff in the suit land till the final decision of the present case.** The application stands disposed of accordingly.*

9. ***Qua stay application moved by defendant no.1:-***

Prima facie case :- qua application under Section 39



*order 1 and 2 of defendant no.1, for allowing the present application **in favour of the defendant no.1 it was incumbent upon the defendant no.1 to prove prima facie that she is in possession of the suit property, however, in the considered view of this court, she has failed to prove the same** as the plaintiff has in his plaint claimed that he has disowned the defendant no.1 and 2 i.e. his daughter-in-law and son and they are no longer residing with him and furthermore, **the plaintiff has placed on record an FIR no.362 dated 31.05.2024 registered against the defendant no.1 and others by one of the neighbour of the plaintiff and a perusal of the same provides that the defendant no.1 had tried to break open the lock of the house of the plaintiff and when prevented from doing the same by the neighbours then, she caused injuries to the complainant in that case.** Although, this court is not delving into the merits of the said FIR however, the same prima facie shows that **defendant no.1 was not in possession of the suit property** as had she been in possession of the same, she would not have tried to break open the locks of the said property. **Furthermore, the defendant no.1 has not placed on record any evidence to prima facie show that she has been in possession of the suit property, after the plaintiff had disowned her and her husband** and furthermore, defendant no.1 has also placed on record an **FIR no.368 dated 21.05.2024 registered at Police Station HTM, Hisar in which she has alleged that on dated 04.04.2024 her husband i.e. defendant no.2 was thrown out from her matrimonial house, now, in that given scenario it was incumbent upon the defendant no.1 to show that she had been in possession of the suit property even after her husband was thrown out of the said house as alleged by her in the aforementioned FIR.** However, except her oral averments, the defendant no.1 has failed to bring on record any cogent evidence for the same,*



*therefore, she cannot said to have proved existence of prima facie in her favour. Qua contention of defendant no.1 for restraining the plaintiff from alienating the suit property, **the defendant no.1 has at this stage failed to show the existence any property rights in the suit property in her favour, as the plaintiff is admittedly the owner in possession of the suit property, therefore, it was incumbent upon the defendant no.1 to bring on record any cogent evidence in corroboration of the fact that during the lifetime of the plaintiff who is the real owner of the suit property, she i.e. defendant no.1 i.e. daughter-in-law of the plaintiff had any property rights in the suit property. However, the defendant no.1 has failed to bring on record any such evidence, therefore, at this stage the plaintiff who is admittedly the real owner of the suit property cannot be restrained from alienating the same.***”

A perusal of the above order would show that the present petitioner, along with other defendants, was restrained from interfering in the peaceful possession of the plaintiff and the injunction application filed by the petitioner-defendant No.1 was dismissed and it was specifically observed that the petitioner-defendant No.1 was not in possession of the suit property and the detailed reasons for the same were given. All the pleas raised before the trial Court by the petitioner-defendant No.1 were declined.

7. Although, the petitioner filed an appeal against the said order, however, the First Appellate Court vide order dated 11.07.2025 dismissed the appeal after giving detailed reasons. It is not in dispute that there is no order staying the injunction order.

8. Respondent-plaintiff had filed an application for seeking police assistance for implementation of the injunction order dated 07.04.2025. In



the said application, specific reference was made to the fact that when the plaintiff and his wife had gone out of station, the present petitioner along with other defendants had trespassed into the property of the plaintiff and broke open the lock of the house in question. The trial Court while allowing the said application for police help had observed that the arguments raised on behalf of the petitioner-defendant No.1 to the effect that she had been in possession of the suit property since her marriage with son of the plaintiff had already been rejected while deciding the application under Order 39 Rule 1 and 2 CPC and thus, had observed that grant of police help was necessary for restoration of the possession and accordingly, directed the SHO concerned to extend necessary cooperation to the defendant in enforcing the directions of the Courts in its letter and spirit. The said order dated 29.07.2025 is in accordance with law and deserves to be upheld.

9. Before this Court also, learned counsel for the petitioner has tried to reiterate the argument that the petitioner is in possession of the premises from the date of her marriage. By virtue of the said argument, the petitioner is conceding to the fact that she is in possession of the premises in question in spite of a specific injunction having been granted against the petitioner and in spite of the fact that the plea of petitioner to the effect that she is in possession has already been rejected while dismissing the application for injunction filed by the petitioner along with counter claim and while granting injunction in favour of the plaintiff. In the said circumstances, it is apparent that the stand of the petitioner itself is in violation of the injunction order passed against the petitioner.

10. A Coordinate Bench of this Court in the case of **Ishwar and**



others Vs. Asha Ram and others reported as ***2015(3) PLR 578*** had observed that there was a distinction between punitive action to be taken resulting from breach of an order passed by the Court and enforcement of the said order and that every person was duty bound and under obligation to comply with the order passed by the Court and no one could be permitted to take law in his own hands and the Court has inherent powers to come to rescue of a person who, in spite of an order of injunction in his favour, was being threatened so as to violate the said order and that the Court had inherent power to grant police help to prevent violation of the interim injunction or to enforce an injunction order. It was observed that the Court is not to wait till the time injunction is actually violated and the application under Order 39 Rule 2A CPC is finally decided, as sanctity of the orders of the Court has to be maintained. Relevant portion of the said judgment is reproduced hereinbelow:-

“4.The application seeking police help to protect the possession was filed by the petitioners as their possession was sought to be interfered with. The same was declined by the learned court below by passing a cryptic order. This court had opined that where found appropriate, police help should be granted to enforce an injunction order. It had further been opined that it would be a total misconstruction of the provisions of the Code of Civil Procedure to hold that in case an injunction order has been passed in favour of a party, he should wait till such time the same is flouted and then adopt the procedure provided under Order 39 Rule 2A CPC. There is a distinction between punitive action resulting from breach of an order passed by the court and enforcement of the order. Every person is duty-bound and under obligation to comply



with and/or ensure compliance of the order passed by the court, unless varied or set aside. No one can be permitted to take law in his own hands and violate the orders passed. The courts having inherent powers should come to the rescue of a person, who in spite of an order of injunction is being threatened with forcible dispossession in violation of the order. The court under its inherent power can very well grant police help to prevent violation of the interim injunction.

5. *In the case in hand, the stand of the petitioners is that despite interim injunction granted by the trial court restraining the respondents defendants from interfering into their cultivating possession of the suit land, which was upheld by the learned lower appellate court, **their possession was being interfered with by the respondents.** The stand of the respondents is that in fact, the land is shamlat. There are 786 co-sharers. **They are not interfering in the possession of the petitioners. Be that as it may, the grievance of the petitioners is that their possession, which has been directed to be protected by the courts below, vide interim injunction order passed in their favour, is sought to be disturbed. The court is not to wait till such time the injunction is violated and the party in whose favour the order has been passed is pushed to the wall only letting him to file application under Order 39, Rule 2A CPC seeking punishment for violation of the injunction order. Sanctity of the orders of the court has to be maintained. They are meant to be complied with in true letter and spirit.** Any one aggrieved can avail of appropriate remedy against the order. Once it is final, none can be allowed to question the same by taking law into his own hands.*

6. *For the reasons mentioned above, the present petition is allowed. The impugned order passed by the court below is set aside. The application filed by the petitioners seeking police help to protect their possession on the suit property is*



allowed.

Petition allowed.”

11. Similarly, another Coordinate Bench of this Court in the case of **Ashish Munjal Vs. Ashok Kumar and another** reported as **2020(4) RCR (Civil) 544** had observed that merely because an aggrieved party has right to file an FIR or has a locus to file an application complaining violation of the interim order under Order 39 Rule 2A CPC, the aggrieved party would not be debarred from filing an application for grant of police help. It was further observed that the jurisdiction under Order 39 Rule 2A CPC is for punishment and the same cannot debar the Court which granted injunction to pass appropriate orders in the facts of the case. The relevant portion of the said judgment is reproduced hereinbelow:-

“8. This Court has heard learned counsel for the parties and with their able assistance, gone through the documents filed. A Civil Court has the jurisdiction to get its interim orders implemented. Merely because aggrieved party has filed an FIR or has a locus to file application complaining violation of interim order, does not debar the aggrieved party to file an application for grant of police help.

9. Hence, the learned Trial Court erred in dismissing the application on the ground that defendant-petitioner has filed FIR and has a remedy complaining violation under Order 39 Rule 2-A CPC. The aforesaid jurisdiction is for punishment, however, it does not debar the Court which granted injunction to pass appropriate orders in the facts of the case.”

12. The law laid down in the abovesaid judgments would apply on all fours, in the present case. The injunction order is in force and thus, it is the duty of the Court to enforce the same. The averments made by the



respondent in the application for seeking police help clearly show that there is a need for grant of police help to the respondent for restoring possession in accordance with the order passed by the Court. It is the duty of the Court to implement its orders.

13. The judgment relied upon by learned counsel for the petitioner in the case of ***Iqbal Singh*** (Supra) does not apply to the facts and circumstances of the present case. In the said case, application was filed under Section 151 in the proceedings under Order 39 Rule 2A of CPC and not in the main suit. Whereas in the present case, application for police help has been filed in the main suit. Further in the said case, it was observed by the Coordinate Bench of this Court that the order granting police help had been passed in a very casual manner whereas in the present case, a detailed order, after taking into consideration all the aspects, has been passed by the trial Court. It would be relevant to note that even a perusal of the facts of the abovesaid case would show that there was no specific stand of the person, against whom police help was being claimed, that he was in possession of the property in spite of there being an injunction against the said person. Whereas in the present case, it is the specific stand of the petitioner, even before this Court, that even as on date, in spite of an injunction operating against the petitioner, the petitioner is in possession of the premises in question. In case police help is not granted to the respondent without there being any stay against the injunction order in favour of the respondent, then, the entire purpose of grant of injunction of the proceedings under Order 39 Rule 1 and 2 CPC would be rendered a nullity. As has been stated hereinabove, it is the duty of the Court to implement the said order. The trial



Court has rightly exercised its power to implement the same.

14. The Hon'ble Supreme Court in the case of **“Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil”**, reported as **(2010) 8 Supreme Court Cases 329**, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

15. Learned counsel for the petitioner has submitted that the petitioner has also challenged the order (Annexure P-16) vide which the petitioner wishes to place on record CCTV footage in support of the averments made in the written statement.

16. Learned counsel for the respondent has submitted that the case has not even reached the stage of evidence of the petitioner who is



defendant No.1.

17. Learned counsel for the petitioner, in the said circumstance, has submitted that the petitioner be permitted to lead evidence in support of her pleadings at the stage of leading evidence of defendant No.1 and the said evidence be considered by the trial Court de hors the observations made in the impugned order dated 29.07.2025.

18. Learned counsel for the respondent has submitted that he has no objection to the said course of action but has further submitted that liberty be granted to the respondent to raise all the objections in accordance with law.

19. Keeping in view the fair stand taken on behalf of the petitioner as well as respondent with respect to the challenge to order dated 29.07.2025 (Annexure P-16), the petitioner be permitted to withdraw the said challenge and lead evidence in support of her averments in the written statement, at the stage of her evidence and the trial Court would consider the said evidence in accordance with law, after hearing both the parties, uninfluenced by the observations made in the order dated 29.07.2025.

20. Accordingly, the present revision petition qua challenge to impugned order (Annexure P-15) is dismissed and qua challenge to impugned order (Annexure P-16) is disposed of in the abovesaid terms.

21. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

25.03.2026

Pawan

**Whether speaking/reasoned:-
Whether reportable:-**

**(VIKAS BAHL)
JUDGE**

**Yes/No
Yes/No**