

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****212****CR-7567-2025 (O&M)****Date of decision: 18.04.2026****Mandeep Singh Basi****...Petitioner(s)****Vs.****Kashmir Singh Basi****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Deepak Gupta, Advocate for the petitioner.

Mr. C.L.Premy, Advocate for the respondent.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the defendant No.1 seeking setting aside of the order dated 28.08.2025 (Annexure P-1) passed by the Additional District Judge, Ludhiana, whereby the appeal filed by the petitioner against the status quo order dated 24.08.2023 (Annexure P-6), has been dismissed.

2. Brief facts of the case in chronological order are as follows: -

27.03.2018: Plaintiff/respondent had filed Civil Suit dated 27.03.2018 (Annexure P-2) seeking declaration, mandatory and permanent injunction in respect of the suit property as described in the plaint. Alongwith the suit, plaintiff/respondent has also filed application dated 27.03.2018 (Annexure P-3) under Order 39 Rules 1 and 2 read with Section 151 CPC for grant of ad-interim injunction.



20.08.2022: Petitioner had filed written statement dated 20.08.2022 (Annexure P-4) to the civil suit.

20.08.2022: Petitioner had also filed reply dated 20.08.2022 (Annexure P-5) to the application of the respondent under Order 39 Rules 1 and 2 CPC.

24.08.2023: Vide impugned order dated 24.08.2023 (Annexure P-6), the learned Additional Civil Judge (Senior Division), Khanna had disposed of the above said application of the respondent while directing that “.....*the parties are directed to maintain status quo regarding possession as well as alienation of the suit property as detailed in the head note of the plaint during the pendency of the suit in the interest of justice.*”

13.09.2023: The said order dated 24.08.2023 was challenged by the petitioner by way of Civil Appeal dated 13.09.2023 (Annexure P-7) before the learned District Judge, Ludhiana.

28.08.2025: Vide impugned order dated 28.08.2025 (Annexure P-1), the above said appeal filed by the petitioner had been dismissed; thereby affirming status quo order.

3. It is *inter alia* submitted by learned counsel for the petitioner that a bare reading of the Civil Suit (Annexure P-2) shows that plaintiff has made prayer for restraining the petitioner and other defendants from “.....*interfering in peaceful possession or any sale, alienation, gift or creating third party charge on the joint ancestral property in possession and being managed by the Plaintiff bearing the Plaintiff bearing khewat No. 34, 35, 39,41, 97, 99, 100, 101, 102, 103, 104, Khatauni No. 36, 37, 41, 43, 101,103, 104, 106, 107, 108, 105, Rectangle Nos. 38, Killa No. 2/1, 2/2, 9/1, 12, 9/2,*



*Rect. No. 24, Killa No. 16, 25, Rect. No.39, Killa No. 4/2, 4/1/2, 5, 6, 7/1, 13/2 14, 17/1, 18/1, 23/2, Rect. No. 41 Killa No. 2/2, 3, 4, 9/1, 12/2, 13/1, Rect No. 39, Killa No. 17/2/2, 15/1, 16/2, 17/2/1, 24, 25/1, 25/3, 15/3, 16/1, 25/2, Rect. No. 38 Killa No. 11/2, 26/1, Rect. No. 24, Killa No. 15/2, Rect No. 25, Killa No. 28, 21, Rect No. 38, killa No. 1, 10, 11/1, Rect. No. 24, Killa No. 14, 17, 23, 24, Rect. No. 39, Killa No. 3, 4/1/1, 7/2, 8, 9, 12, 13/, 18/2, 19, 21, 22, 23/1, Rect. No. 41, Killa no. 1, 2/1, 9/2, 10, 12/1 situated in village Jaspalon, Tehsil Khanna, District Ludhiana in view of the Family Settlement dated 21.08.2010 according to which movable or immovable Family Property as and when required shall be divided equally in four shares; **AND** Suit for declaration that as per Family Settlement, if any member of the Family who wants to dispose off his / her share in the joint property, shall sell its share only to the member of the family at the rates it was purchased by their father, after actual partition by meets and bounds; **AND***"

4. It is submitted that from the above, it is clear that plaintiff has made unexecutable prayers which cannot be granted.

5. It is further submitted that the impugned orders are unsustainable as, petitioner being co-sharer in the joint property cannot be restrained from alienating the suit property to the extent of his share. Learned counsel points out that in the revenue record, petitioner is duly shown to be a co-owner. Ld. Counsel refers to the the Jamabandi for the year 2023-2024 (Annexure P-12), wherein petitioner is shown as co-owner. It is contended that, therefore, being co-sharer in the joint property



petitioner could not have been restrained from alienating the suit property to the extent of his share. Thus, impugned orders are unsustainable.

6. Ld. Counsel further also submits that the petitioner has purchased the suit property in 1988 vide Sale Deeds (Annexure P-13 to Annexure P-26). As such, he is exclusive owner of the suit property. Thus, no embargo can be put on the alienation of the suit property by the learned District Courts, as suit property has been purchased by the petitioner as far back as in 1988 vide Sale Deeds (Annexure P-13 to Annexure P-26). It is accordingly prayed that the present Revision Petition be allowed; and the impugned orders be set aside.

7. *Per contra*, learned counsel for the respondent vehemently opposes submissions made on behalf of the petitioner and submits that impugned orders suffer from no infirmity. The present Revision Petition is misuse of process of law and deserves to be outrightly dismissed. It is accordingly prayed that the present Revision Petition be dismissed.

8. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the petitioner.

9. Perusal of the above submissions of learned counsel for the petitioner shows that petitioner has made utterly contradictory submissions. On the one hand, petitioner is asserting that he is co-owner in the suit property as reflected in the Jamabandi for the year 2023-2024 (Annexure P-12); and therefore, the learned District Courts could not have restrained the petitioner from alienating his share of the suit property.



Simultaneously, petitioner is also asserting that he is exclusive owner of the suit property as the same was purchased by him in the year 1988 by way of Sale Deeds (Annexure P13 to Annexure P-26).

10. Petitioner has specifically pleaded in paras 8 and 9 of the present Revision Petition as follows: –

“8. That the Ld. Courts below failed to consider that the petitioner is owner in possession of his land and co-sharer of the respondent. It is well established law by the Hon'ble Supreme Court of India that the injunction cannot be granted against the co-sharer of the property and the orders passed by the Ld. Courts below are totally illegal and against the well established law and the same is liable to be set aside in the interest of justice.

9. That the Ld. Courts below failed to consider that the land of the petitioner is purchased by him with his own money and further he owned the share of his father and mother through registered wills and on the other side the respondent is claiming his right on the basis of forged family settlement and moreover he took huge loan from the bank on his land. Whereas, on the other side the Ld. Courts below has granted status quo on the land of the petitioner without any proper reasoning, which is totally wrong, illegal and against the principle of natural justice.”

11. Accordingly, this Court put a direct query to the Id. Counsel for the petitioner that if petitioner is exclusive owner of the suit property since 1988, then why is the name of the petitioner still reflected only as co-owner in the Jamabandi for the year 2023-2024 (Annexure P-12). The learned counsel for the petitioner is nonplussed at this query and is



unable to give any reply. Clearly, petitioner seems to be caught on the wrong footing.

12. In any event, from the facts and submissions noted hereinabove, it is clear that there are several disputed questions of fact which are yet to be reconciled. The sales deeds relied upon by the petitioner are yet to be proved. The contention of the plaintiff that suit property is joint ancestral property is also yet to be fully and finally established. However, in the interregnum it cannot be disputed that as per the revenue record produced by the petitioner himself, the property is shown to be joint, and petitioner is only shown to be a co-owner in the suit property. Thus, Correct answers in respect of these unknown factors can only be determined upon trial after leading of evidence. Consequentially, I find no error in the following observations of the learned Additional District Judge, Ludhiana as recorded in the impugned order dated 28.08.2025 (Annexure P-1), as follows: –

“11. Another Civil Misc. Appeal pending in this court bearing CIS No.CMA/366/2023 has been preferred by the respondent/plaintiff against the order passed on application u/O 39 rules 1 & 2 CPC, in the suit filed by the appellant/defendant. The parties to the litigation are real brothers and they both have filed civil suits against each other. The subject matter i.e. the suit property involved in the cases is the same. They have also moved applications u/O 39 rules 1 & 2 for grant of interim relief in their respective suits. It is not disputed that the property in dispute is joint of the parties in revenue record and it has not been partitioned till date. However, some portion of the joint property has been



alleged to be in exclusive possession and ownership by the parties, but the fact remains that they are claiming exclusive ownership and possession in the property, which as per the jamabandi on record, is joint. So, keeping in view the status of the property, the question as to whether which of the parties is in exclusive possession of which of the specific khasra number of the property, cannot be determined at this stage, which is a matter of evidence. So, the learned trial court has rightly disposed of the application directing both the parties to maintain status-quo regarding possession as well as alienation of the suit property, because till the partition of the property by metes and bound, every co-sharer shall be deemed to be in possession of every inch of the joint property. The same order of status-quo has been passed by the learned trial court in the civil suit filed by the defendant, appellant herein, but he has not filed any appeal against the said order of status-quo passed in the suit filed by him. Meaning thereby, he is not aggrieved by the order of status-quo, passed by the learned trial court for the property, which is the subject matter of the present suit also”.

13 In view of the facts noted above, I find no error in the impugned orders. The Present Revision Petition stands **dismissed**.

14. Pending application, if any, stands disposed of.

18.04.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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