



(1) CR-8319-2025 and CR-8366-2025
Judgment Reserved On 16.01.2026
Judgment pronounced on 28.01.2026

...RESPONDENTS

PARMOD GOYAL, J.

1. The petitioners-plaintiffs, Sanjay Kumar and another, are aggrieved by the impugned order dated 09.10.2025 passed by the learned Additional District Judge, Ludhiana, whereby the appeals preferred by respondent-defendant Dharamjit Singh Makkar were allowed and the order dated 30.04.2024 passed by the learned Civil Judge (Junior Division), Ludhiana granting temporary injunction in favour of the petitioners under Order 39 Rules 1 and 2 CPC, was set aside and the injunction granted by the Court of first instance was vacated.

2. The plaintiffs-petitioners, Sanjay Kumar and another, had filed a suit for declaration claiming that they are owners in possession of the suit

property on the basis of a registered sale deed dated 23.03.2023. They further sought a declaration that the sale deed dated 03.03.2010 in favour of defendant Dharamjit Singh Makkar does not pertain to the suit property and has no effect on the rights of the plaintiffs. Along with the relief of declaration, the plaintiffs also sought a decree of permanent injunction restraining the defendants from interfering in their peaceful possession of the suit property. Along with the suit, the plaintiffs also filed an application under Order 39 Rules 1 and 2 CPC seeking grant of temporary injunction to restrain the defendants from dispossessing them from the suit property during the pendency of the suit.

3. The said suit was contested by defendant Dharamjit Singh Makkar, who claimed ownership of the suit property on the basis of a registered sale deed dated 03.03.2010, allegedly executed in his favour by Jaswinder Singh Rai. It was further asserted that the plaintiffs are claiming rights on the basis of a sale deed dated 23.03.2023, allegedly executed by their vendor on the strength of an earlier sale deed dated 11.11.1994, which is forged, fabricated, and fictitious, purportedly executed by Lakhwinder Singh.

4. Respondent–Dharamjit Singh Makkar (defendant in suit filed by Sanjay and another) also instituted a suit for declaration claiming himself to be the owner of the suit property measuring 200 square yards on the basis of a registered sale deed dated 03.03.2010. He further sought a declaration that the sale deed dated 23.01.2023, allegedly executed by Lakhwinder Singh on the basis of a forged and fabricated sale deed dated 11.11.1994, is illegal, null and void and has no effect on his rights. In addition thereto, he sought a decree of mandatory injunction directing the defendants therein to demolish the construction raised over the suit property, as well as a decree of permanent injunction restraining the defendant–petitioner from raising any further

construction or from alienating the suit property. The respondent–Dharamjit Singh Makkar also filed an application under Order 39 Rules 1 and 2 CPC seeking grant of temporary injunction.

5. Both the applications-one filed by the petitioners–plaintiffs Sanjay Kumar and another in Civil Suit No. 22341 of 2023 and the other filed by respondent Dharamjit Singh Makkar in his suit were decided by the learned Civil Judge (Junior Division), Ludhiana vide order of even date i.e. 30.04.2024.

6. Vide order dated 30.04.2024, the application preferred by the petitioners–plaintiffs Sanjay Kumar and another was allowed, whereas the application filed by respondent Dharamjit Singh Makkar was dismissed in respective suits. Temporary injunction was granted in favour of the petitioners after recording a finding that they were in possession of the suit property.

7. Aggrieved by the order dated 30.04.2024 passed in both the suits, respondent Dharamjit Singh Makkar preferred Civil Miscellaneous Appeals bearing Nos. 174 of 2024 and 175 of 2024. Both the appeals were decided by the learned Additional District Judge, Ludhiana vide the impugned order of even date i.e. 09.10.2025, whereby the order dated 30.04.2024 passed by the learned Civil Judge (Junior Division), Ludhiana was set aside. Consequently, the application preferred by the petitioners was dismissed and the application preferred by respondent Dharamjit Singh Makkar was allowed.

8. Aggrieved by the impugned order dated 09.10.2025, the petitioners–Sanjay Kumar and another have approached this Court by way of filing two separate civil revisions, namely Civil Revision No. 8366 of 2025 (arising out of CMA No. 174 of 2024) pertaining to Civil Suit No. 22341 of 2023, and Civil Revision No. 8319 of 2025 (arising out of CMA No. 175 of

2024) pertaining to the suit instituted by respondent Dharamjit Singh Makkar.

9. Learned counsel for the petitioners has argued that after purchasing the plot, it was the petitioners who raised construction thereon and that they are in actual physical possession of the suit property. It is contended that the learned Appellate Court has erred in concluding that the sale deed dated 11.11.1994 in favour of Lakhwinder Singh, the vendor of the present petitioners, is forged and fabricated, despite there being no evidence on record to that effect. It is submitted that the stage of leading evidence is yet to arrive and that such a conclusion has been drawn merely on the basis of assertions made by the respondent. It is argued that the learned Appellate Court has committed a grave error in accepting such assertions at the stage where parties are to be put to issues and evidence proving their respective rights over property.

10. *Per contra*, learned counsel for the respondent has argued that the petitioners are rank trespassers and have no title or right over the suit property, as their alleged vendor, namely Lakhwinder Singh, had no right, title or interest therein. It is contended that the sale deed dated 11.11.1994 is a forged and fabricated document and that this fact stands duly admitted by the plaintiffs in criminal proceedings instituted in respect of preparation of the said forged and fabricated sale deed dated 11.11.1994.

11. *Prima facie*, sufficient material is available on record to conclude that the petitioners had purchased the plot vide registered sale deed dated 23.01.2023 and thereafter raised a two-storeyed house over the same. The factum of possession of the petitioners over the suit property is also borne out from the pleadings of respondent Dharamjit Singh Makkar in the suit instituted by him, wherein he has sought a decree of mandatory injunction

directing the defendants therein to demolish the construction raised by them over the suit property. He has further sought a decree of permanent injunction restraining the petitioners from raising any further construction and from alienating the suit property. Although the respondent has also sought a relief restraining the petitioners from interfering in his alleged peaceful possession, however, when the pleadings are read in their entirety, it clearly emerges that construction over the suit property has been raised by the petitioners and that they are in possession thereof.

12. Learned counsel for the petitioners has placed on record photographs of the suit property, which depict a double-storeyed building standing thereon. The very fact that the respondent has sought demolition of the construction allegedly raised by the petitioners prima facie establishes the possession of the petitioners over the suit property.

13. In view of the above, the question that arises for consideration is whether the impugned order dated 09.10.2025 passed by the learned Additional District Judge, Ludhiana, whereby the appeals were allowed and the application for temporary injunction preferred by the petitioners was dismissed, is legally sustainable on the finding that petitioners are trespassers, particularly when the trial is yet to commence and evidence is yet to be led by the parties.

14. Reverting to the submissions made on behalf of the petitioners, learned counsel has argued that the petitioners have successfully demonstrated that they are in possession of the suit property and have raised a two-storeyed building thereon. It is contended that unless the rival sale deeds relied upon by both the parties are duly proved by leading evidence, it cannot be conclusively held that the suit property is owned by respondent–Dharamjit

Singh Makkar. It is further asserted that the sale deed dated 11.11.1994, as well as the subsequent sale deed dated 23.01.2023, are valid documents and that, on the contrary, the sale deeds relied upon by the respondent are doubtful in nature and require strict proof at the stage of trial. It is submitted that the petitioners have established a prima facie case in their favour and that the balance of convenience also lies in their favour. It is further contended that irreparable loss and injury would be caused to the petitioners in case temporary injunction is not granted. On the aforesaid grounds, acceptance of the present revision petitions has been prayed for. Learned counsel for the petitioners has placed reliance on the following judgments in support of his submissions:

- (1) **A. Subramanian & Anr. Vs. R. Pannarselvam**, 2021(1) RCR (Civil) 902;
- (2) **Prasann Kumar Jain Vs. Dr. Basant Baman Rao**, 2009(53) RCR (Civil) 575;
- (3) **Guru Nanak Education Trust Vs. Balbir Singh**, 1965 AIR Punjab and Haryana 290; and
- (4) **Prem Chand Vs. State of Haryana & Ors.**, in RSA-1719 of 1994, decided on 19.11.2025.

15. Learned counsel for the respondent has supported the impugned order passed by the learned Appellate Court and contended that the suit property is owned by respondent–Dharamjit Singh Makkar, who purchased the same by way of valid and registered sale deed executed by the true and lawful owners of the suit property. It is submitted that the original owners, namely Harbhajan Singh, Bharpoor Singh, Rajinder Singh, Mohan Singh and Amar Singh had sold the suit property to Phooljit Kaur vide registered sale

deed dated 03.11.1989. That Phooljit Kaur thereafter sold the suit property to Gurmail Kaur vide registered sale deed dated 04.10.1994; Gurmail Kaur sold the same to Mukesh Kumar vide registered sale deed dated 12.04.1996; Mukesh Kumar sold the suit property to Jaswinder Singh Rai vide registered sale deed dated 13.01.2004 and Jaswinder Singh Rai, in turn, sold the suit property to respondent–Dharamjit Singh Makkar vide registered sale deed dated 03.03.2010. It is asserted that all the aforesaid sale deeds have been validly executed and are prior in point of time to the sale deeds relied upon by the petitioners or their alleged predecessors in interest, namely the sale deed dated 11.11.1994 and the subsequent sale deed dated 23.01.2023. On the strength of the said chain of title, learned counsel submits that the learned Appellate Court has rightly vacated the injunction granted by the trial Court. Learned counsel for respondent No. 1 has placed reliance on the following judgments in support of his submissions:

- (1) **Mahboob Sahab Vs. Syed Ismail & Ors**, 1995 AIR (Supreme Court) 1205;
- (2) **Rasheeda Khatoon (D) through LRs Vs. Ashiq Ali s/o of Lt. Abu Mohd (D) through LRs**, 2015(1) SCC (Civil) 154; and
- (3) **Mt. Bibi Maniran Vs. Mohammad Ishaque**, 1963 AIR (Patna) 229.

16. *Prima facie*, it is clearly established that the petitioners are in possession of the suit property and have raised construction thereon. The learned Court of first instance, after taking note of the photographs on record, including photographs dated 09.01.2024, recorded a finding that a double-

storeyed building has been raised at the spot. The petitioners have also placed

on record the building permit/sanction dated 05.04.2023 issued by the Municipal Corporation, Ludhiana for raising construction. In addition thereto, a copy of Form TS-I was produced, reflecting that after purchase of the property vide sale deed dated 23.01.2023, the petitioners' names were duly entered in the records of the Municipal Corporation as owners of the property. Copies of property tax records for the year 2023–2024, receipts of payment towards water and sewerage charges, copy of the sanctioned building plan, electricity bills, and bills relating to internet connection were also produced and duly considered by the learned Court of first instance while recording a *prima facie* finding that the petitioners are in possession of the suit property and have raised a double-storeyed building thereon.

17. The learned Appellate Court had also noticed the sanctioned building plans placed on record by the petitioners, installation of electricity meter in the building in the year 2023, allotment of Municipal No. B-35-937/122 to the property, entry of the petitioners' names in the TS-I register, existence of water, sewerage, electricity and Wi-Fi connections, as well as availing of housing loan from HDFC Bank, as pleaded by the petitioners.

18. On the other hand, the defendants did not place on record any document to establish their possession over the suit property. Rather, they claimed ownership and sought a decree of mandatory injunction directing demolition of the construction raised by the defendants therein. This, in fact, further supports the *prima-facie* case of the petitioners that it is they who are in possession and who have raised the construction.

19. The learned Court of first instance had observed that the construction raised over the suit property could not have come up overnight and that the defendants, who claims exclusive possession since the year 2010,

failed to produce any document to substantiate their alleged possession. It was further held that the question of title of both the parties would require adjudication after leading evidence and, therefore, at the interlocutory stage, no conclusion could be drawn that the sale deed executed in favour of the petitioners was based on a forged or fabricated sale deed dated 11.11.1994. Consequently, temporary injunction was granted in favour of the petitioners.

20. The learned Appellate Court, however, took into consideration the fact that respondent–Dharamjit Singh Makkar had filed a complaint dated 26.12.2023 before the Deputy Commissioner, Ludhiana, alleging that the sale deeds dated 11.11.1994 and 23.01.2023 were forged and fabricated documents. Pursuant thereto, the Tehsildar, Jagraon submitted a report stating that the sale deed dated 11.11.1994 bearing Vasika No. 25998 was not registered with the Sub-Registrar and was a forged document. Thereafter, FIR No. 155 dated 23.12.2023 under Sections 420, 465, 467, 468, 471, 447, 511 and 120-B IPC was registered against the plaintiffs and other accused persons. The petitioner as well as Lakhwinder Singh were arrested in the said case and were subsequently released on bail. They are presently facing trial in the said criminal proceedings. That an inquiry report dated 12.07.2024 was also placed on record, which was conducted by a Committee of eleven members headed by the Additional Deputy Commissioner (General)-cum-E.O., PLRS, Ludhiana. The Committee concluded that the sale deed bearing Vasika No. 25998 dated 11.11.1994 had been interpolated in the manual records (Bahi). It was reported that no entry relating to the said Vasika was found in the Online Vasika Retrieval System or in the DLR Hard Disk. It was further observed that Vasika No. 25998 dated 11.11.1994, when searched in the Online Vasika Retrieval System, was found pertaining to a different transaction, namely, a

sale deed executed by Kishore Kumar in favour of Kulwant Singh in respect of land situated in village Kakowal, which did not tally with the Vasika claimed by Lakhwinder Singh. The Committee also reported that all entries made on computer systems for the year 1994 were checked and no entry was found regarding execution of any Vasika in favour of Lakhwinder Singh. Even the backup system maintained at the Jalandhar office, including the DLR Hard Disk, did not reflect any such entry. It was further concluded by learned Appellate Court that the impugned Vasika bearing No. 25998 dated 11.11.1994 had been entered subsequently by tampering with the manual records as well as the Vasika Retrieval System. The Inquiry Committee also observed that the scanning software was not secure and had been tampered with. Subsequently, vide order dated 26.02.2024 passed by the Assistant Collector, Second Grade, Ludhiana (West), the sale deed dated 11.11.1994 was cancelled with the observation that Vasika No. 25998 dated 11.11.1994 was a forged and fabricated document. It was also observed that the four stamps affixed on the reverse side of the said Vasika did not tally with the stamps affixed on Vasikas registered on 11.11.1994. On the basis of the inquiry report, the learned Appellate Court concluded that since the sale deed dated 11.11.1994 executed in favour of Lakhwinder Singh had been found to be forged and fabricated, the petitioners acquired no right over the suit property. The learned Appellate Court also noticed that the appeal filed against cancellation of mutation of the suit land had been dismissed by the Divisional Commissioner, Patiala and, on the strength of the inquiry report and the aforesaid proceedings, held that the sale deed dated 11.11.1994 was forged. It was further noticed that the electricity connection at the site had already been disconnected and that show-cause notices had been issued to the petitioners

for disconnection of water and sewerage connections. On these premises, the learned Appellate Court concluded that since the sale deed in favour of Lakhwinder Singh, the predecessor-in-interest of the petitioners, had prima facie been declared invalid by the authorities, the petitioners had no right to remain in possession of the suit property and accordingly dismissed the application for interim injunction filed by petitioners.

21. To controvert the aforesaid findings, learned counsel for the petitioners has argued that in the first three sale deeds relied upon by the respondent, namely the sale deeds dated 03.11.1989, 04.10.1994 and 12.04.1996, neither any plot number nor the boundaries of the property purportedly transferred were mentioned. It is contended that the plot number and boundaries were mentioned for the first time only in the sale deeds dated 13.01.2004 and 03.03.2010. Therefore, according to learned counsel, even the title of the respondent qua the suit property is not free from doubt and can only be established by leading evidence at trial.

22. After considering the rival submissions and upon perusal of the findings recorded by the learned Court of first instance as well as the learned Appellate Court, this Court finds that the conclusion drawn by the learned Appellate Court that the sale deed dated 11.11.1994 is the result of forgery and fabrication and, therefore, that the petitioners have no right over the suit property, virtually amounts to dismissal of the suit of the petitioners without there being any trial or appreciation of evidence.

23. The reports of the Deputy Commissioner and the Inquiry Committee, at this stage, are at best pieces of evidence which are yet to be proved in accordance with law. The said reports are not conclusive in nature and are open to rebuttal by the petitioners by leading cogent evidence. It also

cannot be lost sight of that the manual record is the primary record and the computerised record is only a replication thereof. Mere non-availability of an entry in the computerised record would not, by itself, render the manual record doubtful unless the same is established by evidence.

24. It is also an admitted position that the criminal trial initiated against the petitioners and their vendor, Lakhwinder Singh, has been stayed by this Court. In such circumstances, reliance solely upon the inquiry conducted by a Committee constituted by the Deputy Commissioner, without affording the parties an opportunity to lead evidence, was wholly unjustified—more so when the petitioners, by placing substantial material on record, have prima facie succeeded in establishing their possession over the suit property and the raising of a double-storeyed building thereon.

25. The argument raised by learned counsel for the respondent that the petitioners have admitted the sale deed dated 11.11.1994 to be forged and fabricated in the criminal proceedings cannot be accepted as an admission for the purposes of the present proceedings. Any alleged admission made outside the proceedings of the civil suit or in outside proceedings is required to be duly proved in accordance with law. Whether such statement constitutes an unequivocal admission or was taken as an alternative defence in the criminal case is a matter which can only be appreciated after evidence is led. At this stage, once it is prima facie established that the petitioners are in possession of the suit property and when the validity of the rival sale deeds and rights under them can only be adjudicated upon after parties lead their respective evidence, denial of interim injunction to the petitioners would not be justified. None of the judgments cited by learned senior counsel for respondent has any applicability. Admission made in proceedings can be relied upon by Courts

but admission made outside the proceedings needs to be proved and then can be applied.

26. Accordingly, respondent–Dharamjit Singh Makkar is restrained from forcibly dispossessing the petitioners from the suit property during the pendency of the suit.

27. However, keeping in view the nature of the litigation, the petitioners are also restrained from raising any further construction over the suit property and from alienating the same in any manner during the pendency of the suit.

28. Since the respondent claims that the petitioners are mere trespassers, whereas the petitioners assert ownership and possession, to secure the rights of both the parties and mitigate any possible loss, the petitioners are directed to deposit a sum of ₹15,000/- per month towards use and occupation charges in the Court, either on a monthly basis or annually in advance, till the final decision of the suit. The amount so deposited shall be kept in a fixed deposit receipt (FDR) and shall be payable to the party which ultimately succeeds in the suit instituted by either of the parties.

29. The learned Court of first instance is requested to expedite the trial and decide the suit at the earliest, keeping in view the pendency of the matters before it.

30. Consequently, both the revision petitions are allowed in the above terms. Orders dated 09.10.2025 passed by Appellate Court are set-aside.

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

28.01.2026		(PARMOD GOYAL)
manoj		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No