

2026:PHHC:012721



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

113

CR-8599-2025

Date of decision :29.01.2026

SANJEEV SHARMA

... PETITIONER

VERSUS

MANPREET SINGH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Gautam Diwan, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

CM-25689-CII-2025

The applicant/petitioner through instant application is seeking permission to place on record complete copy of impugned order dated 29.07.2025 (Annexure P-21).

Allowed as prayed for.

Annexure P-21 is taken on record. Registry is directed to tag the same at an appropriate place.

Main Case

1. The petitioner–defendant is aggrieved by the impugned order dated 01.07.2025 (Annexure P-19) passed by the Additional Civil Judge (Senior Division), Pehowa, as well as the order dated 29.07.2025 (Annexure P-21) passed by the Additional District Judge, Kurukshetra, whereby the appeal

preferred by the petitioner against the order dated 01.07.2025 was dismissed.

2. The plaintiff-respondent, along with his suit for permanent injunction had moved an application under Order XXXIX Rules 1 and 2 read with Section 151 CPC. The said application was allowed vide order dated 01.07.2025 and the same was affirmed by the Appellate Court.

3. The case of the plaintiff-respondent in the suit for permanent injunction was that he is the owner in possession of the suit land. That the plaintiff is a co-sharer in the suit land and that the defendant, who is also a co-sharer, intends to alienate the suit property by way of specific killa numbers without getting the land partitioned.

4. The suit as well as the application were contested by the petitioner-defendant on the ground that he had purchased the suit land from Mohan Singh, brother of Gurmukh Singh, who was a co-sharer along with Gurmukh Singh, the predecessor-in-interest of the plaintiff. It was asserted that, as per the sale deed executed by Mohan Singh, specific killa numbers were sold along with possession. Reliance was placed upon the recitals contained in the sale deeds in favour of the defendant.

5. After considering the respective arguments, the learned Courts below arrived at a finding that the plaintiff had succeeded in prima facie establishing his possession over the suit property. The assertions made in the sale deeds in favour of the defendant regarding transfer of possession were not relied upon, in the absence of any material to show that Mohan Singh was in possession of the land (specific killa number) which he allegedly sold to the present petitioner-defendant.

6. On consideration, I do not find any error in the findings recorded

by both the Courts below. Admittedly, both the plaintiff and the defendant are co-sharers in the suit land. The defendant is claiming possession of specific killa numbers on the basis of a sale deed, contending that his predecessor-in-interest, a co-sharer, had sold specific killa numbers along with possession. However, once it is admitted that the suit property is joint land, it was incumbent upon the defendant-petitioner to establish that Mohan Singh was in possession of the specific killa numbers claimed by him. Unless the possession of Mohan Singh over the specific killa numbers is *prima facie* shown, the possession of the defendant-petitioner over those specific killa numbers cannot be accepted.

7. In the absence of any *prima facie* case in favour of the defendant-petitioner and in view of the *prima facie* along with other ingredients i.e. balance of convenience and irreparable loss if injunction is not granted, findings recorded in favour of the plaintiff, the discretion to grant interim injunction has rightly been exercised by the Courts below. No interference is warranted. The revision petition is accordingly dismissed.

29.01.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No