



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-9596-2025 (O&M)

Date of decision: 09.02.2026

Surender Kumar

...Petitioner(s)

Vs.

Pushpa Rani

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajneesh Chadwal, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of Constitution of India has been filed by the plaintiff/husband against the order dated 10.11.2025 (Annexure P-2) passed by the court of Ld. Civil Judge (Junior Division), Narnaul, whereby the application filed by the petitioner under Order 39 Rules 1 and 2 CPC for protection of suit property during pendency of suit was dismissed; **and** order dated 08.12.2025 (Annexure P-4) passed by the Court of Additional District Judge, Narnaul whereby appeal filed by petitioner against order dated 10.11.2025, has also been dismissed.

2. It is *inter alia* submitted by learned counsel for the petitioner that the respondent herein is the defendant/ wife of the petitioner/plaintiff. It is submitted that out of love and affection the petitioner had transferred the suit property in favour of the



respondent/wife by way of Transfer Deed No. 5584 dated 13.03.2020. However, now the respondent/wife has thrown the petitioner out of the suit property. Ld. Counsel submits that it is settled law that in cases involving challenge of title and allegations of fraud, preservation of suit property is essential. As such, petitioner had made out a prima facie case in his favour. However, the learned District Courts have failed to appreciate this; and have also ignored the ongoing demolition, and attempt on the part of the respondent to create third-party rights; and have dismissed the application of the petitioner. The District Courts have also ignored settled law that when possession is disputed, property must be protected till trial is concluded. District Courts have failed to appreciate that if the property is transferred, reconstructed or third-party rights are created, the petitioner will suffer irreparable loss. Thus, in denying ad interim protection to the petitioner the learned District Courts have caused him grave irreparable harm. Learned Courts below have ignored the fraudulent nature of the impugned Transfer Deed and have also ignored the demolition of the suit property. From the above facts, it is clear that even balance of convenience was in favour of the petitioner. Therefore, the impugned orders are perverse and deserve to be set aside.

3. It is accordingly prayed that the present Civil Revision Petition be allowed; and the impugned orders be set aside.

4. No other argument is raised on behalf of learned counsel for the petitioner. 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.

5. Perusal of the record of the case shows that vide Transfer Deed No. 5584 dated 13.03.2020, petitioner had transferred the suit property in favour of the respondent/wife. Subsequently, on 29.02.2024, the petitioner had filed a suit against the respondent/defendant seeking declaration that the said Transfer Deed is illegal, null and void and result of fraud and misrepresentation; and permanent injunction from restraining the respondent from transferring the suit property; and restraining dispossession of the petitioner from the suit property.

6. Along with the suit, petitioner had filed an application under Order 39 Rules 1 and 2 read with Section 151 CPC dated 29.02.2024 (Annexure P-1). Vide the impugned order dated 10.11.2025 (Annexure P-2), learned Civil Judge (Junior Division), Narnaul had dismissed the said application of the petitioner. The petitioner had filed Civil Miscellaneous Appeal dated 13.11.2025 (Annexure P-3) against the order dated 10.11.2025. Vide the second impugned order dated 08.12.2025 (Annexure P-4) passed by the learned Additional District Judge, Narnaul, the said Appeal of the petitioner has also been dismissed.

7. As noted above, during the course of arguments it has been admitted by learned counsel for the petitioner that the petitioner has transferred the suit property in favour of the respondent vide Transfer Deed No. 5584 dated 13.03.2020. Thus, it has come on record that the plaintiff had voluntarily, wilfully, with his free consent and without any



pressure, had transferred the suit house in the name of his wife/defendant; whereafter, the defendant is continuing as owner in possession of the suit house. Thus, in view of the dispute title, declaration sought by the petitioner remains a matter of trial.

8. It has also been contended on behalf of the petitioner that defendant is demolishing the suit property and trying to construct a new house. Thus, petitioner has admitted that he is not in possession of suit property. In this view of the matter, petitioner has failed to establish prima face case, or balance of convenience in his favour. Petitioner has also failed to demonstrate that irreparable harm shall be caused to him.

9. Moreover, the learned Additional District Judge has balanced the equities and passed a perfectly just and fair order by stating that any transfer, alienation or creation of third-party interest shall be subject to the doctrine of lis pendens under Section 52 of the Transfer of Property Act, 1882 and shall abide by the final adjudication of the suit. The relevant para-Nos. 6 and 7 of the impugned order dated 08.12.2025 (Annexure P-4) passed by learned Additional District Judge, Narnaul are as under:-

“6. This Court further finds no infirmity, illegality or perversity in the order passed by the learned Trial Court; the learned Trial Court has duly considered all material facts and circumstances, including the admitted position regarding possession and the disputed nature of title, and has rightly declined the relief of temporary injunction. The refusal of



interim relief is fully justified and calls for no interference, and the impugned order is accordingly upheld.

7. At the same time, to balance equities and preserve the subject-matter of the suit, it is clarified that any transfer, alienation or creation of third-party interest by the defendant shall remain subject to the doctrine of lis pendens under Section 52 of the Transfer of Property Act, 1882, and shall abide by the final adjudication of the suit. The defendant is at liberty to undertake construction, renovation or repair over the suit property; however, any such activity shall be strictly at his own risk, shall confer no equity in his favour, and shall remain subject to the ultimate outcome of the suit.”

10. In view of the above, I find no ground is made out to interfere in the impugned orders. The present Civil Revision Petition is **dismissed**.

11. Pending application(s), if any, also stand(s) disposed of.

09.02.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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