

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

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CR-9652-2025 (O&M)
Date of Decision: 30.04.2026

Harjit Singh and others

... Petitioners

V/s

Jaspreet Kaur and another

... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Pushpinder Singh, Advocate, for the petitioners.

Ms. Sonia G. Singh, Advocate, for the respondents.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 08.12.2025 passed by the Court of Civil Judge (Jr. Divn.), Kharar.

2. A suit (Annexure P-1) was instituted by the respondents-plaintiffs against the petitioners-defendants for permanent injunction restraining them from illegally dispossessing the respondents-plaintiffs from a joint family house (fully described in the plaint) situated at Sunny Enclave, Kharar, District SAS Nagar (Mohali) (hereinafter referred to as “the suit property”).

3. Vide order dated 28.07.2025 (Annexure P-2), ad interim injunction was granted restraining the petitioners-defendants from illegally dispossessing the respondents-plaintiffs from the suit property.

4. An application (Annexure P-6) was filed by the respondents-plaintiffs alleging their dispossession from the suit property on 23.08.2025 and seeking restoration of possession. It was claimed that on 23.08.2025, the

petitioner-defendant No.1 pressurized the respondents-plaintiffs to withdraw the suit and upon refusal, the petitioner-defendant No.1 gave beatings to the respondents-plaintiffs and in association with certain other unknown persons, assaulted the respondents-plaintiffs. The application was opposed. Another application (Annexure P-7) was moved for issuance of directions to the petitioner-defendant No.1 to return/hand over their articles i.e. winter & summer clothes, laptop, mobile, harmonium, table, sewing machine etc.

5. The application (Annexure P-6) was opposed by way of a reply (Annexure P-8) wherein, the averments made in the application were denied. Separate reply (Annexure P-9) was also moved to the application seeking return/handing over of articles, stating that no such alleged articles were ever in possession of the petitioner-defendant No.1.

6. By way of the impugned order dated 08.12.2025, the application seeking restoration of possession was disposed of since an application under Order 39 Rule 2A CPC instituted by the respondents-plaintiffs was pending. It was held that the application for restoration of possession was subject to and dependent upon the outcome of the said application. However, the application seeking return of articles was allowed with supervised police assistance for retrieval of belongings. It was also reiterated that the petitioners/defendants would not cause any interference, obstruction or threat to the respondents/plaintiffs lawful access to the shared household.

7. Aggrieved by the said order, the present revision petition has been filed.

8. I have heard learned counsel for the parties.

9. Learned counsel for the petitioners has strenuously urged that the impugned order is not sustainable. It has been argued that there was no occasion for the trial Court to have allowed the application for return of articles since no articles of the respondents-plaintiffs were lying in the alleged

shared household. He submits that an FIR was also registered by the respondents-plaintiffs against the petitioners-defendants alleging their dispossession from the suit property and in the FIR also there is no reference of any articles having been left behind. Learned counsel submits that even an application for anticipatory bail was moved and the petitioner-defendant No.1 joined investigation but even at that point of time, no demand of any article was made. Learned counsel submits that the demand is unreasonable as no articles of the respondents-plaintiffs are there in the shared household. He submits that under the circumstances, the order is not sustainable.

10. Learned counsel for the petitioner also submits that once an application under Order 39 Rule 2A CPC had been filed alleging violation of the injunction order, there was no occasion for the trial Court to have reiterated the injunction order.

11. *Per contra*, learned counsel for the respondents-plaintiffs submits that there was no requirement of mentioning about the articles in the FIR. Learned counsel also submits that there is no illegality in the impugned order.

12. I have considered the submissions made by learned counsel for the parties.

13. In so far as the prayer for restoration of possession is concerned, parties are not aggrieved by the findings and, therefore, the same does not call for any comment by this Court. As regards the application for return of personal articles, though there are rival claims as regards possession of the respondents-plaintiffs over the alleged shared household, I do not find any illegality in the order. The order even otherwise says that the articles would be returned with supervised police assistance. In case, there are certain articles, which belong to the respondents-plaintiffs, they would be entitled to the same, subject to the satisfaction of the police team accompanying the respondents-plaintiffs.

14. This Court is of the considered opinion that no irregularity was committed by the trial Court in passing the said order. However, the trial Court erred in reiterating the injunction order since it is the categoric case of the respondents-plaintiffs that they have been dispossessed from the suit property and even an application under Order 39 Rule 2A CPC is pending. Under such circumstances, there was no occasion for the trial Court to have reiterated the stay order. The said findings are, therefore, unsustainable and are set aside.

15. That being so, the revision petition is disposed of in the above terms.

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

(VIKRAM AGGARWAL)
JUDGE

April 30, 2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No