



137 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-2772-2024 (O&M)  
Date of decision : 25.08.2025

Sukhwinder Singh & ors. .... Petitioners

Versus

Manjit Kaur & ors. .... Respondents

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

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Present :- Mr. H.P.S.Ghuman, Advocate  
for the petitioners.

None for respondents No.1 & 2.

Mr. Taresh Makkar, Advocate  
for respondent No.3.

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**PANKAJ JAIN, J. (ORAL)**

1 Plaintiffs are in revision aggrieved of the orders passed by the Courts below whereby their application under Order XXXIX Rule 1 & 2 CPC stands dismissed. For convenience parties hereinafter are referred to by their original position in the suit i.e. the petitioners as plaintiffs and respondents as defendants.

2 Plaintiffs filed a suit seeking decree of declaration to the effect that they are co-owners in possession of the suit property, as mentioned in the headnote of the plaint with the further prayer for grant of decree of permanent injunction restraining defendants from interfering in their peaceful possession over the suit property. Along with the plaint, the plaintiffs have filed an application under Order XXXIX Rule 1 & 2 CPC seeking temporary injunction



restraining the defendants from interfering in their peaceful possession over the suit property during the pendency of the suit.

3 As per pleaded case of the plaintiffs the property in question was originally owned by Gurbachan Singh father of plaintiffs. Gurbachan Singh died leaving behind 4 sons namely Lakhwinder Singh, Suhwinder Singh, Ranjit Singh and Amrik Singh and his widow Pritam Kaur. Lakhwinder Singh died on 14.01.1990 leaving behind defendants No.1 & 2. Plaintiffs claim that Lakhwinder Singh bequeathed his property in favour of his mother Pritam Kaur by unregistered WILL dated 15.06.1989. Pritam Kaur died on 23.05.2016 after executing registered WILL dated 16.05.2016 in favour of the plaintiffs. Plaintiffs have become owners of the suit property left by Pritam Kaur including the share of Lakhwinder Singh which was bequeathed by him during his lifetime in favour of Pritam Kaur by way of WILL dated 15.06.1989. As per plaintiffs, defendants are disputing their right to the property and are trying to interfere in their possession and are threatening to transfer the property.

4 Defendants filed written statement. Execution of WILL by Lakhwinder Singh, husband of defendant No.1 and father of defendant No.2 in favour of Pritam Kaur is disputed. As per the defendants Lakhwinder Singh purchased suit property by way of sale deed dated 22.12.1969 independently and Gurbachan Singh had no right, title or interest in the same. Earlier Pritam Kaur made an attempt to get the estate left by Lakhwinder Singh mutated in her favour on the basis of WILL dated 15.06.1989. The mutation proceedings were contested by the defendants. Vide order passed by the Revenue Court dated 18.03.1994 the WILL propounded by Pritam Kaur was disbelieved. Defendants also disputed execution of WILL by Pritam Kaur dated 16.05.2016



propounded by the plaintiffs. It has been claimed that Pritam Kaur died of ailment. She being too old was not conscious and thus there is no question of her having executed the WILL in favour of the plaintiffs.

5 Both the Courts below have non-suited the plaintiffs and have declined temporary injunction.

6 Counsel for the plaintiffs has assailed orders passed by the Courts below claiming that registered WILL propounded by the plaintiffs makes out *prima-facie* case in their favour. He submits that in case the defendants succeed in transferring the property during the pendency of the suit, the plaintiffs shall suffer an irreparable loss. He further claims that the plaintiffs being in possession, balance of convenience is in favour of plaintiffs.

7 I have heard learned counsel for the parties and have gone through the records of the case.

8 In order to seek temporary injunction plaintiffs are required to prove the following three ingredients :-

- (i) *Prima-facie case*
- (ii) *Balance of convenience*
- (iii) *Irreparable loss, in case injunction is not granted*

9 Whole of the case of the plaintiffs is based upon Pritam Kaur being *successor-in-interest* of Lakhwinder Singh on the strength of WILL dated 15.06.1989.

10 Counsel for the plaintiffs is not in a position to dispute that in an earlier round of litigation Pritam Kaur claimed mutation of estate left by Lakhwinder Singh in her favour on the strength of WILL dated 15.06.1989.



The mutation was contested by defendants No.1 & 2. Vide order dated 18.03.1994 WILL dated 15.06.1989 was disbelieved by the Revenue Authorities and mutation qua estate of Lakhwinder Singh was sanctioned on the basis of natural succession. Pritam Kaur lived for 22 years thereafter. She never made any attempt to claim the entire estate of Lakhwinder Singh disputing mutation on the basis of natural succession. In the light of the fact that unregistered WILL dated 15.06.1989 allegedly executed by Lakhwinder Singh in favour of Pritam Kaur already stands disbelieved, the WILL dated 16.05.2016 propounded by the plaintiffs executed by Pritam Kaur in their favour is inconsequential *qua* the suit land which is admittedly the estate left by Lakhwinder Singh.

11 In view thereof, this Court finds that the Courts below rightly held that the plaintiffs failed to exhibit *prima-facie* case in their favour and thus rightly dismissed their application filed under Order XXXIX Rule 1 & 2 CPC seeking temporary injunction.

12 In view of above, finding no merits in the present revision petition, the same is ordered to be dismissed.

13 Needless to observe nothing observed herein be construed as expression on final merits of the case.

25.08.2025  
Pooja Sharma-I

( PANKAJ JAIN )  
JUDGE

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