



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

**CR No. 5195 of 2025 (O&M)
DATE OF DECISION: 12.08.2025**

HEENA YADAV

.....PETITIONER

Vs.

VINOD KUMAR AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. A.P.S. Sandhu, & Ashish Kaushik, Advocates,
for the petitioner.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 18.10.2018 (Annexure P-6), passed by the learned Civil Judge (Junior Division), Amritsar, in Civil Suit No. 3193 of 2017, titled *Heena Yadav vs. Vinod Kumar*, whereby an application moved by the petitioner under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908 (for short, *the CPC*), read with Section 151 thereof, seeking to restrain the defendants from forcibly dispossessing and interfering with the peaceful possession of the plaintiff, and also to restrain the defendants from transferring the said property by way of alienation, sale, gift deed, or mortgage, has been dismissed; and also for setting aside the order dated 20.02.2025 (Annexure P-8), whereby the appeal preferred by the petitioner-plaintiff against the aforesaid order dated 18.10.2018 (Annexure P-6) has



also been dismissed by the learned Additional District Judge, Amritsar.

2. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

3. In brief, the facts are that the petitioner-plaintiff, *Heena Yadav*, daughter of *Vinod Kumar*, had filed a suit for declaration before the learned lower court to the effect that she is a co-sharer/co-owner in possession to the extent of 1/2 share in the properties as detailed in the headnote of the plaint, and also sought the relief of permanent injunction restraining the defendants-respondents from forcibly dispossessing and/or interfering with the possession of the plaintiff in the portion shown in red colour in the plan attached, in respect of property No. 1554A/12 (old) and new No. 2224/12, Gagar Mal Road, Katra Sher Singh, Amritsar, and also restraining the defendants from transferring the said properties by way of alienation, sale, gift deed, lease, mortgage or in any other mode to any person, and further sought the relief of partition of the said properties, the properties being ancestral and joint Hindu family properties.

3.1 Written statement was filed by defendants *Vinod Kumar* and others, thereby denying that the properties in question are coparcenary and ancestral properties. It was, in fact, submitted that defendant No. 1 – *Vinod Kumar* – had disinherited the plaintiff *Heena Yadav* in the year 2008 when she left the house. Denying all other facts, the defendants prayed for dismissal of the suit.

3.2 Along with the suit, the present petitioner filed an application under Order 39 Rules 1 and 2 CPC, read with Section 151 thereof, and sought an additional relief that the defendants be restrained from forcibly



dispossessing and interfering with the peaceful possession of the plaintiff, and also be restrained from transferring the said property by way of alienation, sale, gift deed, or mortgage.

3.3 The said application was contested, and the learned lower court, while deciding the injunction application, vide order dated 18.10.2018 (Annexure P-6), held that the petitioner *Heena Yadav* is the daughter of defendant No. 1 – *Vinod Kumar* – and sister of defendants Nos. 2 and 3, namely *Chirag Thakur* and *Lucky Thakur*, respectively, and that she had been residing in the property without having any share therein. It was further held that her possession was in the capacity of a licensee and that the law is well settled that a licensee cannot be granted the relief of permanent injunction against the owner.

4. Learned counsel for the revisionist-petitioner has contended that the order dated 18.10.2018 (Annexure P-6), vide which the application under Order 39 Rules 1 and 2 CPC read with Section 151 thereof was dismissed, and the order dated 20.02.2025 (Annexure P-8), whereby the appeal preferred by the petitioner-plaintiff against the aforesaid order dated 18.10.2018 (Annexure P-6) was also dismissed by the learned Additional District Judge, Amritsar, are both illegal and erroneous. It is argued that the suit properties are coparcenary and ancestral properties, and the petitioner is entitled to a 1/2 share therein, being a co-sharer/co-owner. This aspect, according to counsel, was not appreciated by the courts below.

4.1 Thus, it is submitted that the impugned orders dated 18.10.2018 (Annexure P-6) and 20.02.2025 (Annexure P-8) be set aside, and the respondents be restrained from forcibly dispossessing the



petitioner, from interfering in her peaceful possession, and from transferring the said property.

5. In view of the order proposed to be passed, notice is not being issued to the respondents as it would delay the proceedings besides entailing additional expense to them.

6. Though the above submissions have been raised before this Court, it is felt that it was incumbent upon the petitioner to have led more cogent evidence to establish that the suit properties are joint Hindu coparcenary and ancestral properties, and that she had derived a share therein as a coparcener. However, at this stage, there is no such evidence on record. Admittedly, the petitioner *Heena Yadav* is the daughter of respondent-defendant No. 1 – *Vinod Kumar* – and in case she is occupying a portion of the properties as such, in the absence of proof that the suit properties are joint Hindu coparcenary ancestral properties, her status remains that of a licensee. Consequently, the courts below rightly held that a licensee cannot be granted the relief of permanent injunction against the owner.

7. Thus, this Court finds no merit in the prayer for setting aside the orders dated 18.10.2018 (Annexure P-6) passed by the learned Civil Judge (Junior Division), Amritsar, and 20.02.2025 (Annexure P-8) passed by the learned Additional District Judge, Amritsar.

8. Finding no illegality in the orders dated 18.10.2018 (Annexure P-6) and 20.02.2025 (Annexure P-8), the present revision petition, being devoid of merit, is accordingly dismissed.



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

AUGUST 12, 2025
nitin

(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking Yes/No

Whether Reportable Yes/No