



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CR No. 5869 of 2025 (O&M)

Date of Decision : 25.09.2025

Geeta

...Petitioner

Versus

Sudhir and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Manpreet Singh Sidhu, Advocate for the petitioner.

Mr. Ajit Kumar Sharma, D.A.G., Haryana
for respondents No. 6, 7, 8 and 9.

Amarinder Singh Grewal, J.

1. Petitioner-Geeta daughter of late Sh. Om Prakash has filed the present Civil Revision petition under Article 227 of the Constitution of India challenging the impugned order dated 05.02.2025 (Annexure P-2) passed by learned Civil Judge (Jr. Divn.), Sonipat, whereby her application under Order 39 Rules 1 and 2 of the Code of Civil Procedure was dismissed, as well as judgment dated 09.04.2025 (Annexure P-4) passed by the learned Additional District Judge, Sonipat, whereby appeal preferred by the petitioner-plaintiff against the impugned order dated 05.02.2025 (Annexure P-2) was disposed of with modification.

2. Brief facts of the case are that petitioner-plaintiff filed a suit for declaration with consequential relief of permanent injunction against the respondents-defendants claiming that the parties are legal heirs of late Sh.



Om Prakash, who was owner in possession of agricultural land measuring 158 Kanals 03 Marlas situated within the revenue estate of Village Nehra, Tehsil and District Sonipat. It was pleaded that the property is ancestral/coparcenary in nature and petitioner being daughter of late Sh. Om Prakash has a birth right therein. The petitioner challenged the Will dated 14.05.2009 allegedly executed by late Sh. Om Prakash in favour of his wife, sons and grandsons excluding the petitioner, alleging it to be illegal, fraudulent and surrounded by suspicious circumstances.

3. Along with the suit, the petitioner moved an application under Order 39 Rules 1 and 2 CPC seeking interim injunction restraining the respondents-defendants from alienating the suit property. The said application was dismissed by the learned Civil Judge (Jr. Divn.) vide order dated 05.02.2025. Aggrieved against the said order, the petitioner-plaintiff filed an appeal before the learned Additional District Judge, Sonipat and the learned Additional District Judge, Sonipat vide order dated 09.04.2025 (Annexure P-4) by holding that the apprehension of plaintiff that during the pendency of suit the contesting defendants would alienate/dispose of the suit property is not well founded, modified the order dated 05.02.2025 to the extent that in case, respondents-defendants alienate/dispose of the suit property, then, in that eventuality, they would not only apprise the proposed buyer about the pendency of the suit before civil court but also they would get incorporated this fact in the sale deed.

4. These aforesaid orders are under challenge in the present civil revision petition.



5. Learned counsel for the petitioner argues that since the suit property is ancestral in nature, Om Parkash had no right to execute the Will dated 14.05.2009 in favour of his wife, sons and grandsons excluding the petitioner.

6. Learned counsel for the State submits that the lower Court has rightly dismissed the application under Order 39 Rules 1 and 2 CPC. The present revision petition has been filed only to delay the proceedings of the civil suit.

7. In view of the order proposed to be passed, notice is not being issued to the remaining respondents as it would unnecessarily delay the proceedings and also entail additional expenses for the respondents.

8. I have heard learned counsel for the parties and have gone through the record with their able assistance.

9. After hearing the learned counsel for the parties, this Court is of the opinion that in case the property was ancestral in nature, it was incumbent upon the petitioner to produce documentary evidence before the learned Lower Court to prima facie establish that Om Prakash had inherited the property from his forefathers. No such evidence has been placed on record. Consequently, the petitioner failed to establish the essential ingredients of a prima facie case, balance of convenience or irreparable loss in her favour. The learned Lower Court, therefore, rightly dismissed the application under Order 39 Rules 1 and 2 CPC.

10. Insofar as the apprehension of alienation of the property is concerned, the learned Additional District Judge, Sonipat, has adequately safeguarded the petitioner's interest by directing that any alienation shall be



subject to disclosure of pendency of the litigation in the sale deed. Such a direction strikes a balance between the rights of both parties and cannot be termed either illegal or perverse.

11. Accordingly, finding no merit in the present revision, the same is dismissed.

12. Pending miscellaneous application, if any, also stands disposed of.

September 25, 2025

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(AMARINDER SINGH GREWAL)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No