



CR-6113 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-6113 of 2025 (O&M)
Decided on: 04.09.2025

Karambir & Anr.

.....Petitioners

Versus

Rameshwar & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Varshit Garg, Advocate
For the petitioners.

DEEPAK GUPTA, J.

Petitioners are plaintiffs before the learned Civil Judge (Jr. Divn.), Karnal in Civil Suit No. CS-1539 of 2022 titled '*Karambir & Anr. v. Rameshwar & Ors.*' They assail the order dated 21.07.2025 passed by the learned Additional District Judge, Karnal, affirming the order dated 21.07.2022 of the trial Court, whereby their application under Order XXXIX Rules 1 and 2 CPC seeking ad interim injunction in respect of the suit property was declined.

2. Learned counsel for the petitioners was heard at length.

3. It is not in dispute that the parties are co-owners in joint possession of the suit land, which has not been partitioned by metes and bounds. The grievance of the plaintiffs-petitioners was that the defendants-respondents were threatening to alienate their share for carving out an illegal residential colony and to encroach upon valuable portions of the suit land by raising unauthorized constructions. To restrain such acts, the suit for permanent injunction was filed and, during its pendency, prayer for interim injunction was made.

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4. The defendants-respondents contested the claim, leading to dismissal of the injunction application by the trial Court, which finding was upheld by the appellate Court.

5. The concurrent findings of both Courts below reveal that though the parties are co-sharers in the land, the father of the plaintiffs had already alienated his major specific share through various sale deeds in favour of different purchasers. Those purchasers, having stepped into the shoes of co-sharers, had raised permanent constructions in the form of shops, residential houses, hotels, restaurants, wine shops and banquet halls on portions of the suit land abutting the main road, much prior to the present suit. Significantly, no objection was ever raised by the plaintiffs or their father at that time.

6. Further, it stands recorded that the plaintiffs' uncle, Babu Ram, has himself raised construction on part of the suit land and that nearly 80% of the land already stands converted to non-agricultural use. These facts were within the knowledge of the plaintiffs.

7. It is well-settled that grant of temporary injunction under Order XXXIX Rules 1 and 2 CPC requires the applicant to establish a prima facie case, balance of convenience and likelihood of irreparable injury. In addition, the jurisdiction being equitable, the party invoking it must approach the Court with clean hands. A litigant who is himself guilty of acquiescence or suppression, cannot claim equitable relief.

8. In the present case, the plaintiffs' father having sold substantial portions of the land and purchasers having raised construction thereon without objection, and their own uncle having made constructions, the petitioners cannot now seek to restrain other co-sharers from similar use. The principle of equity, namely that *he who seeks equity must do equity*, stands squarely attracted.

9. Consequently, the Courts below rightly concluded that the plaintiffs are not entitled to the discretionary and equitable relief of



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injunction. This Court finds no infirmity in the impugned orders warranting interference in exercise of revisional jurisdiction.

10. In view of the foregoing discussion, the revision petition, being devoid of merit, is dismissed.

04.09.2025

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**(DEEPAK GUPTA)
JUDGE**

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