

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****108****CR-3870-2025****Date of Decision: 04.07.2025****DHARAMPAL AND OTHERS****.....PETITIONERS****Vs.****JASWANT AND OTHERS****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Roopak Bansal, Advocate for the petitioners.

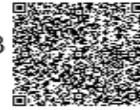
DEEPAK GUPTA, J.

By way of this revision filed under Article 227 of the Constitution of India, petitioner assails the order dated 04.04.2025 (*Annexure P-1*) passed by learned Addl. Civil Judge (Sr. Division), Kharkhoda dismissing the application under Order 39 Rule 1 and 2 CPC, in civil suit N: CS-147 of 2022 titled '*Dharampal & others vs. Jaswant & Others*'. Petitioner further assails the order dated 31.05.2025 (*Annexure P-3*) passed by Additional District Judge, Sonipat dismissing the appeal against order dated 04.04.2025 (*Annexure P-1*).

2. Learned counsel for the petitioner has been heard at considerable length.

3. It is contended by learned counsel that petitioners-plaintiffs were recorded to be in possession of the suit land in the revenue record and therefore, the Courts below were not justified in refusing to grant temporary injunction in their favour till pendency of the suit. It is also urged that appointment of receiver by the trial Court to take possession of the suit property, was also not justified.

4. This Court has gone through the paper book and find the contentions raised by learned counsel to be devoid of any merit.

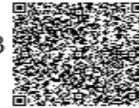


5. As observed by the Courts below, plaintiffs i.e. petitioners herein claimed to be owner in possession of the suit property to the extent of 3/4 share and alleged interference in their possession on the part of the respondents-defendants. On the other hand, the stand of the defendants was that all the legal heirs of Chunni Lal had inherited the *Dholidar* rights in the suit land and as such, Attar Singh and Ajit, predecessors-in-interest of the defendants were also entitled to the suit property, being sons of Chunni Lal, but plaintiffs being the heirs of Ved Pal (one of the sons of Chunni Lal) had succeeded in obtaining an order dated 14.01.2014 by concealing the fact that defendants and others were also legal heirs of Chunni Lal. Two of the plaintiffs being patwari had succeeded in getting the revenue entries recorded in their favour. Apart from this, Civil Suit bearing titled *Jaswant etc. Vs Dharampal* challenging the order dated 14.01.2014 passed by the Collector and also challenging the mutations of inheritance of Chunni Lal; and also that of Ved Pal, the father of the plaintiffs, was pending.

6. The Courts below further observed that in petition No.115/DRO titled *Dharampal Vs. Gram Panchayat*, plaintiffs themselves had pleaded that Chunni Lal was *Dholidar* in the suit land and so, after his death, his succession will go to all his children in view of Section 8 of the Hindu Succession Act.

7. In the abovesaid facts and circumstances, this Court does not find any illegality in the order of the trial Court, declining the interim injunction. The trial Court found it fit in the circumstances to appoint a receiver to take possession of the land and to get the same cultivated under the supervision of BDPO, Kharkhoda.

8. The order passed by the Appellate Court further indicates that receiver has already taken the possession and deposited the sale proceeds of the crops harvested on the suit land and as such, appellants will not suffer irreparable loss of any kind, as the same will be compensated in shape of money, in case they are able to prove their case.



9. The relief of granting or refusing temporary injunction is discretionary in nature, though the said discretion is to be exercised on the well-established principles of *prima facie* case, balance of convenience and irreparable loss. The Appellate Court is not to interfere in the exercise of the discretion by the trial Court and to substitute the same by its own discretion, unless the order of the trial Court is arbitrary, perverse, capricious or in disregard of the sound legal principles or without considering the relevant record. Simply because Appellate Court comes to a different conclusion on the same facts or evidence, cannot justify an interference.

10. Keeping in view the facts and circumstances of present case, Appellate Court has rightly declined to interfere in the discretion exercised by the trial Court. This Court is not inclined to interfere in the well-reasoned order dated 31.05.2025 (Annexure P-3) passed by learned District Judge, Sonipat, affirming the order dated 04.04.2025 (Annexure P-1) of the trial Court, in the absence of any illegality or perversity.

11. As such, holding the petition to be devoid of any merit, the same is hereby dismissed.

04.07.2025

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(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned? Yes

Whether reportable? No