



CR-5486-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-5486-2025

Date of Decision:18.08.2025

Muskan Hannah and another

... Petitioners

Versus

Gurpreet Singh Atwal and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Aditya Dassaur, Advocate
for the petitioners.

AMARINDER SINGH GREWAL, J. (ORAL)

1. The present revision petition has been preferred by the petitioners under Article 227 of the Constitution of India seeking setting aside of the impugned order dated 30.07.2025 (Annexure P-6) passed by the learned Civil Judge (Sr. Division), NRI Court, Jalandhar whereby *ex parte ad interim* stay has been declined in civil suit bearing No.CS/2112/2025 titled as *Muskan Hannah Singh Atwal and anr Vs. Gurpreet Singh Atwal and another*.

2. In brief, the facts are that the petitioners-plaintiffs are legal heirs of Satnam Singh, who was married to one Jasbir Kaur Sangha on 29.08.1993 and respondent No.1 was born out of the wedlock. Satnam Singh had obtained a decree of divorce from Jasbir Singh Sangha on 13.07.2004 and solemnized second marriage with petitioner No.2/plaintiff No.2 on 26.06.2005 and a daughter i.e. petitioner No.1 was born from the said wedlock on 25.07.2006. However, during subsistence of marriage between Satnam Singh and petitioner No.2, respondent No.2 claimed herself to be third wife of Satnam Singh and after death of Satnam Singh, respondents in an unlawful manner got the mutation of estate of Satnam Singh in their favour vide mutation No.653 dated 07.02.2025. Aggrieved by the said mutation, petitioners-plaintiffs filed a suit for declaration that they are owners



in joint possession of the estate of Satnam Singh to the extent of 1/3rd share each, along with respondent No.1 and that mutation No.653 dated 07.02.2025 is illegal and liable to be set aside. They also filed an application under Order 39 Rule 1 & 2 CPC seeking injunction but vide impugned order dated 30.07.2025, *ad interim* injunction has been declined to the petitioners. Hence, the present revision petition.

3. Learned counsel for the petitioners submits that the learned trial Court has filed to consider the fact that mutation No.653 dated 07.02.2025 has wrongly been sanctioned in the name of the respondents and in the application under Order 39 Rule 1 & 2 CPC, only relief sought was to restrain the respondents-defendants from further alienation of the suit property in order to protect the interest of petitioners, being Class I legal heirs of Satnam Singh and to prevent creation of third party rights as well as multiplicity of litigation.

4. Having heard learned counsel for the petitioners, this Court is of the view that since the learned trial Court has applied its mind and deemed it fit that the relief sought under Order 39 Rule 1 & 2 CPC should be considered only when defendants put in appearance and heard in the matter, which is slated for 22.08.2025 and as such, no ground is made out to interfere with the impugned order dated 30.07.2025.

5. Dismissed.

(AMARINDER SINGH GREWAL)
JUDGE

August 18, 2025

Pankaj*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No