



CR-6629-2025

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

CR-6629-2025

Date of Decision: 01.10.2025

GIANO DEVI ALIAS GYANO DEVI

....Petitioner

Versus

RAJ KUMAR AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Shevtanshu Goel, Advocate
 Ms. Shabnam Mahajan, Advocate and
 Mr. Gagandeep Singh, Advocate
 for the petitioner.

 Mr. Sumit Gupta, Advocate
 for respondent No.5.

Parmod Goyal, J. (Oral)

The present revision petition has been filed under Article 227 of Constitution of India by petitioner-plaintiff for setting aside the order dated 01.09.2025 (Annexure P-7), passed by learned Additional District Judge, Karnal, whereby appeal preferred by defendant-respondent was allowed and order dated 04.08.2025, passed by the learned Civil Judge (Junior Division), Karnal, whereby application under Order XXXIX Rule 1 & 2 CPC was allowed and *status quo* was granted in favour of the petitioner/plaintiff, was set aside.

2. Plaintiff/petitioner had filed a suit for permanent injunction claiming to be in physical possession of Khasra No.22 (8-0), 23(8-0) situated in Village Bajidpur duly described in the plaint. It is the case of plaintiff that suit property is joint and he is in possession of these khasra numbers and he be not dispossessed. On notice, defendant No.5 had appeared and claimed



that he had purchased the land from defendants No.1 to 4 to the extent of 9 Kanals and he is in possession to that extent being co-sharers in the suit property. Learned Court of first instance has granted *status quo* order in favour of plaintiff holding that plaintiff being co-sharer in possession cannot be dispossessed forcibly.

3. The case of defendant no. 5 is that they had also purchased land to the extent of 9 Kanals by two different sale deeds from their vendors defendants No.1 to 4 and both plaintiffs as well as defendant No.5 are co-sharers to the extent of respective shares in the joint land. It is the case of defendants that both the parties are in possession of their respective shares to the extent of 6 Kanals (plaintiff) and 9 Kanals (defendant No.5). However, under the garb of stray entries in jamabandies which has no basis, plaintiff is trying to take benefit and take possession of 16 Kanals land which includes land owned by defendant No.5.

4. Accordingly, learned Appellate Court concluded that both plaintiff and defendants were not put in possession of specific portion of suit land which was joint. The sale deed in their favour speak only regarding share in the joint land and no specific khasra numbers were sold to either plaintiff or defendants. It is also admitted by both the sides that their claim is only regarding possession qua share which is mentioned in their respective sale deeds. Learned counsel for the petitioner fairly states that he is not claiming possession over 16 Kanals, but is seeking possession over 6 Kanals area as mentioned in sale deed alone which was handed over to him out of suit land as per sale deed.

5. On the other hand, learned counsel for respondents submits that respondents – defendant No. 5 is in possession of 9 Kanals and have no concern with the 6 Kanals land which plaintiff is claiming. In view of the



factual position when both the parties agree that they are co-sharers in joint land to the extent of share which they have purchased vide respective sale deeds i.e. 6 Kanals and 9 Kanals, it would be appropriate to order that both the parties shall maintain *status quo* regarding suit property to the extent of land / share mentioned in their respective sale deeds. Plaintiff shall not interfere in 9 Kanals in possession of defendant No.5 and defendant No.5 shall not interfere with 6 Kanals in possession of plaintiff/petitioner, during the pendency of suit and seek partition of suit land. It would be appropriate to direct revenue authorities to expedite the process in accordance with law, so that parties stop fighting with each other. It is made clear that source of irrigation shall remain joint till the partition. Petition is disposed of with above directions.

01.10.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No