

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****120****RSA-930-2022 (O&M)****Date of decision: 06.08.2025****Gurjeet Kaur****...Appellant(s)****Vs.****Navjeet Kaur and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. I.S.Brar, Advocate for the appellant.

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**NIDHI GUPTA, J.**

Present Second Appeal has been filed by the appellant/plaintiff against the judgment and decree dated 30.11.2021 passed by the learned District Judge, Bathinda whereby appeal filed by the respondents/defendants against the judgment and decree dated 08.05.2019, has been allowed; and the suit filed by the appellant/plaintiff for permanent injunction, has been dismissed.

2. It is submitted by learned counsel for the appellant/plaintiff that learned District Judge was in error in setting aside the well reasoned judgment of the learned trial Court as it failed to appreciate that plaintiff has proved before the learned trial Court that she is owner in exclusive possession of suit land measuring 36K 13M. Even as per Khasra Girdawari dated 30.12.2015, plaintiff is shown to be in continuous cultivating possession of the suit land. The appeal filed by the respondents against the file No. 20 whereby correction in favour of the plaintiff was brought



about in the Khasra Girdawari Ex.P3, has been dismissed. Even as per order Ex.P4, disputed land is shown to be in the name of the plaintiff. Even as per order dated 21.11.2018 Ex.P9, the disputed Khasra numbers came in the share of the plaintiff by way of Naksha Bey. Furthermore, although parties have admitted that suit property is joint and same has not been partitioned finally. Defendant No.1 has herself admitted in her cross-examination that disputed land is in the possession of the plaintiff and Naksha Bey is passed in favour of the plaintiff and Girdawari is also in the name of the plaintiff. DW3 has himself admitted that he had sold the disputed land to Arjan Singh/husband of the plaintiff through Power of Attorney in the year 1990. It is submitted that in view of this overwhelming evidence in favour of the plaintiff, the decree of the learned trial Court could not have been overturned.

3. It is accordingly prayed that the present Second Appeal be allowed; and judgment and decree dated 30.11.2021 passed by learned District Judge, Bathinda be set aside; and the judgment and decree dated 08.05.2019 passed by Id. Civil Judge, Junior Division, Bathinda be restored.

4. No other argument is raised on behalf of the appellant. I have heard learned counsel and perused the case file in detail.

5. No doubt submissions made on behalf of the appellant appear in the first instance to be appealing and correct, however a perusal of the file reveals that during the pendency of the Civil Suit, the plaintiff had transferred the suit land along with possession in favour of her 4 sons on 18.07.2017 as is evident from Jamabandi for the year 2015-16 Ex.P8.



Clearly therefore, it is the own admitted case of the plaintiff that she was not in possession of the suit property. As such, injunction cannot be granted in favour of the plaintiff. The plaintiff could not maintain suit for permanent injunction.

6. In view of the above admitted facts and findings on record, I find no ground is made out to interfere in the impugned judgment and decree dated 30.11.2021 passed by the learned District Judge, Bathinda. The present appeal accordingly stands **dismissed**.

7. Pending applications, if any, stand disposed of.

**06.08.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

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