



CR No. 5494 of 2025 (O&M) -1-

129 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 5494 of 2025 (O&M)  
DATE OF DECISION: 18.08.2025

JASBIR SINGH AND ANOTHER

.....PETITIONERS

Vs.

SATWINDER SINGH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. G.C. Shahpuri , Advocate,  
for the petitioners.

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AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 19.07.2025 (Annexure P-6), passed by the learned Additional District Judge, Yamuna Nagar at Jagadhri, whereby the application for staying the operation of the judgment and decree dated 18.04.2025, passed by Additional Civil Judge (Senior Division), Yamuna Nagar at Jagadhri during the pendency of the appeal, has been dismissed.

2. The facts of the case are that respondent Satwinder Singh, son of Avtar Singh, instituted a suit for permanent injunction against petitioners Jasbir Singh and Harvinder Singh, seeking to restrain them from interfering in his actual, physical and peaceful possession of the suit land comprising Khasra Nos. 57//24 and 57//25, situated within the revenue estate of Village Balachor, Tehsil Jagadhri, District Yamuna Nagar.



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2.1 Upon notice, the petitioners-defendants filed their written statement, controverting the pleadings of the respondent-plaintiff and raising preliminary objections that the suit was liable to be dismissed, as the petitioners-defendants are co-sharers in the suit land. It was further pleaded that the appropriate remedy available to the respondent-plaintiff was to file a suit for partition.

2.2 Issues were framed by the learned lower Court, evidence was led, and ultimately, the learned Additional Civil Judge (Senior Division), Yamuna Nagar at Jagadhri, decreed the suit of the respondent-plaintiff Satwinder Singh. The petitioners-defendants were restrained from interfering in the actual, physical possession of the respondent-plaintiff over the suit land measuring 08 '*Kanals*', being 160/1193 share of the total land measuring 59 '*Kanals*' 13 '*Marlas*', comprising '*Khasra*' Nos. 57//24 and 57//25. They were further restrained from dispossessing the respondent-plaintiff from the aforesaid '*Khasra*' numbers and from cutting or removing 5 poplar trees standing on the suit property.

2.3 Aggrieved by the judgment and decree dated 18.04.2025, passed by the learned Civil Judge (Senior Division), Yamuna Nagar at Jagadhri, the petitioners-defendants preferred an appeal before the learned Additional District Judge, Yamuna Nagar at Jagadhri. In the said appeal, an application was filed for staying the operation of the impugned judgment and decree dated 18.04.2025 till the final decision of the appeal. However, the said application was dismissed vide order dated 19.07.2025 (Annexure P-6), which is now under challenge.



3. Learned counsel for the petitioners vehemently contended before this Court that the order dated 19.07.2025 (Annexure P-6), passed by the learned Additional District Judge, Yamuna Nagar at Jagadhri, is wholly illegal and unsustainable, as the Court failed to consider that the parties to the *lis* are co-sharers. It was argued that when the parties to the *lis* are co-sharers, and no exclusive possession of the suit property has been established by the respondent-plaintiff, the learned Additional District Judge ought to have stayed the operation of the judgment and decree dated 18.04.2025.

4. It was further submitted that it is a well-settled principle of law that a co-owner, who is not in exclusive possession of any part of the joint property, is not entitled to seek injunction against another co-owner. In support of this contention, learned counsel for the petitioners relied upon the judgment of the Hon'ble Division Bench of this Court in *Bachan Singh vs. Swaran Singh*, 2000 (3) PLR 416.

5. I have heard learned counsel for the petitioners and have gone through the paper-book carefully.

6. In view of the order proposed to be passed, notice is not being issued to the respondent as it would delay the proceedings besides entailing additional expense to the respondent-plaintiff.

7. A bare perusal of Annexure P-8, i.e., the '*Khasra Girdawari*', shows that Amrit Kaur, daughter of Sarup Singh, is recorded to be in possession of '*Khasra*' No. 57//24, whereas Avtar Singh, father of the respondent-plaintiff, is recorded to be in possession of '*Khasra*' No. 57//25. Further, the record reveals that the suit property was owned and



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possessed by Rajinder Singh @ Sher Singh, son of Sunder Singh. During his lifetime, Rajinder Singh @ Sher Singh, the grandfather of respondent Satwinder Singh and father of petitioner No. 1 Jasbir Singh, executed a transfer deed dated 09.03.2016 in respect of the suit property in favour of the respondent Satwinder Singh, whereupon mutation No. 2083 was duly entered and sanctioned in his favour.

8. The learned Additional Civil Judge (Senior Division), Yamuna Nagar at Jagadhri, also recorded a finding that possession of the suit property was delivered to the respondent-plaintiff. Admittedly, Avtar Singh is the father of respondent Satwinder Singh. As noticed above, Annexure P-8, i.e., the '*Khasra Girdawari*', shows that Amrit Kaur is in possession of '*Khasra*' No. 57//24, while Avtar Singh is in possession of '*Khasra*' No. 57//25. Meaning thereby, the present petitioners have not been shown to have been possession of the disputed '*Khasra*' numbers which stood transferred in the name of the respondent-plaintiff.

9. The learned Additional Civil Judge (Senior Division), Yamuna Nagar at Jagadhri, while passing the judgment and decree dated 18.04.2025, restrained the present petitioners from interfering with the actual, physical possession of the respondent-plaintiff over the suit property, and also from dispossessing him from the said '*Khasra*' numbers and cutting or removing 5 poplar trees standing thereon. Since the respondent-plaintiff has been shown to be in exclusive possession of the suit property, this Court finds that the learned Additional District Judge rightly held that if the operation of the judgment and decree is not stayed, the petitioners shall not suffer any irreparable loss or injury, nor would any



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prejudice be caused to them.

10. Moreover, the present petitioners-defendants have themselves filed a suit for partition. Thus, this Court is of the considered view that the impugned order dated 19.07.2025 (Annexure P-6), passed by the learned Additional District Judge, Yamuna Nagar at Jagadhri, cannot be said to be illegal in any manner.

11. Accordingly, the judgment relied upon by the learned counsel for the petitioners in *Bachan Singh's* case (*supra*) is not applicable to the facts of the present case, as the respondent-plaintiff has already been held to be in exclusive possession of the suit property.

12. This Court, therefore, finds no merit in the prayer for setting aside the order dated 19.07.2025 (Annexure P-6).

13. Finding no illegality or perversity in the order dated 19.07.2025 (Annexure P-6), the present revision petition, being devoid of merit, is hereby dismissed.

14. Pending miscellaneous application(s), if any, shall also stand disposed of.

AUGUST 18, 2025

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(AMARINDER SINGH GREWAL)

JUDGE

Whether Speaking	Yes
Whether Reportable	No