



CR No. 6805 of 2025 (O&M)

123 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 6805 of 2025 (O&M)  
DATE OF DECISION: 24.09.2025

BHOLA SINGH

.....PETITIONER

Vs.

YADWINDER SINGH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Sandeep Kumar & Sahil Nain, Advocates,  
for the petitioner.

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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 12.09.2025 (Annexure P-5), passed by the learned District Judge, Fazilka, in Appeal bearing No. CMA-917-2025, instituted on 27.08.2025, titled *Yadwinder Singh vs. Jagtar Singh and others*, whereby the appeal filed by respondent No. 1 has been allowed and the order dated 16.07.2025 (Annexure P-2), passed by the learned trial Court in an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (for short, 'the CPC'), whereby the learned trial Court restrained the defendants in the suit from causing any illegal, unlawful, or unauthorized interference with the peaceful and exclusive possession of the plaintiff, or otherwise from dispossessing them illegally or forcibly from the suit land except in due course of law, was effectively set aside.

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2. Heard.

3. Notice of motion.

4. Mr. Manu Loona, Advocate, accepts notice on behalf of respondent No. 1, Yadwinder Singh, and has filed his memorandum of appearance in Court today. The same is taken on record.

5. The brief facts of the case are that the petitioner, along with proforma respondent No. 4, Jagtar Singh, had filed a suit for a decree of permanent injunction restraining the defendants-respondents from causing any forcible, illegal, or unauthorized interference in the peaceful and continuous possession/enjoyment of the plaintiffs' rights over the suit property, or otherwise from dispossessing them from the suit property except in due course of law.

5.1 Along with the suit, an application under Section 80(2) of the CPC for leave to file the suit without prior notice to defendants No. 2 and 3 was also filed.

5.2 Further, an application under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC, with a prayer for *ex parte ad-interim* injunction, was filed by the plaintiffs.

5.3 The learned Civil Judge (Junior Division), Fazilka, after hearing counsel for the plaintiffs and perusing the documents annexed with the pleadings, passed an *ad-interim* injunction order dated 16.07.2025 (Annexure P-2), in favour of the plaintiffs, restraining the defendants-respondents from causing any illegal, unlawful, or unauthorized interference with the peaceful and exclusive possession of the plaintiffs and

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also directed for compliance with Order XXXIX Rule 3 of the CPC.

5.4 Against the said order dated 16.07.2025 (Annexure P-2), respondent No. 1, Yadwinder Singh, filed an appeal, i.e. Civil Miscellaneous Appeal No. 917 of 2025, instituted on 26.08.2025 (Annexure P-3) before the learned District Judge, Fazilka, against the present petitioner and others.

5.5 A perusal of the order dated 04.09.2025 (Annexure P-4) reveals that Sh. Romil Bajaj, Advocate, filed a power of attorney on behalf of the plaintiffs and stated that both plaintiffs had withdrawn the case against defendant No. 1, Yadwinder Singh, and that there was no threat from him; accordingly, the suit against defendant No. 1 was dismissed as withdrawn.

5.6 Further, in the said order dated 04.09.2025 (Annexure P-4), it was recorded that an application under Order VII Rule 11 of the CPC read with Section 80(2) of the CPC had been filed by defendant No. 1, Yadwinder Singh. Since the suit against defendant No. 1 stood dismissed as withdrawn, the application under Order VII Rule 11 of the CPC filed by him was also disposed of, and the case was adjourned to 10.10.2025 for *ex parte* evidence of the plaintiff.

5.7 In the civil miscellaneous appeal dated 26.08.2025 (Annexure P-3), notice was issued to the present petitioner. The learned District Judge, Fazilka, in its order dated 12.09.2025 (Annexure P-5), observed that although the trial Court, vide order dated 04.09.2025 (Annexure P-4), dismissed the suit against defendant No. 1-Yadwinder Singh as withdrawn,



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it had not specifically addressed whether the injunction order dated 16.07.2025 (Annexure P-2) was vacated or still subsisting.

5.8 Considering the totality of circumstances, the order dated 16.07.2025 (Annexure P-2) was set aside, and the trial Court was directed to decide the plaintiff's application under Order XXXIX Rules 1 and 2 of the CPC afresh, after considering all relevant factors and granting due opportunity to both parties.

5.9 Considering the above scenario, since the suit against defendant No. 1, Yadwinder Singh, was withdrawn by the plaintiffs vide order dated 04.09.2025 (Annexure P-4), it appears that the withdrawal was made merely with intention to obtain an *ex parte decree*. Otherwise, there was no justification for withdrawing the suit against defendant No. 1.

6. In view of the discussion made hereinabove, this Court finds no merit in the prayer for setting aside the order dated 12.09.2025 (Annexure P-5) passed by the learned District Judge, Fazilka. As such, finding no illegality in the impugned order dated 12.09.2025 (Annexure P-5), the present Civil Revision Petition, being devoid of merit, is accordingly dismissed.

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

**September 24, 2025**

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**(AMARINDER SINGH GREWAL)**

**JUDGE**

Whether Speaking

Yes

Whether Reportable

No