



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

124

CR-4676-2025

Date of decision: 23.07.2025

Som Dass @ Sonu

...Petitioner

Versus

Mathura Dass and another

...Respondents

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Sandeep Verma, Advocate for the petitioner.

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**SUDEEPTI SHARMA, J. (ORAL)**

1. Challenge in the present revision petition is to order dated 05.03.2025 passed by Ld. Civil Judge (Junior Division), Karnal whereby the application filed by the plaintiff under Order 39 Rule 1 and 2 of CPC in suit for permanent injunction, was allowed and the appeal filed against the said order has been dismissed by Ld. Additional District Judge, Karnal vide order dated 09.04.2025.

2. Learned counsel for the petitioner contends that the application filed by the plaintiff has wrongly been allowed by Ld. Civil Judge (Junior Division), Karnal without going through the evidence on record and without taking into consideration the facts in dispute.

3. I have heard learned counsel for the petitioner and perused the whole file of this case.

4. It would be apposite to reproduce the relevant portion of the impugned order dated 05.03.2025, which is as under:-

*“13. Juxtaposing the afore-discussed legal proposition to the*



*facts of the present application, it stands admitted between all the parties that defendant no.1 is owner of the suit property wherein Sh. Brij Lal s/o Malak Chand was owner in possession of the suit property being "Gair Morussi", as also reflected in jamabandi for the year 2021-22. Though, presumption of truth is attached to entries in the Jamabandi's but the same is rebuttable in nature. In the present case, admittedly and as per his death certificate, Brij Lal died on 28.01.2016 but despite this, the revenue records are continuing in his name and are mere stray entries. Therefore, prima-facie possession has to be deciphered from other documents placed on record by both the parties.*

14. *Now, the plaintiff alleges to be in possession of the suit property as "Gair Morussi" while the defendant claims to be in possession of the suit property vide unregistered will. As far as plaintiff is concerned, he has fortified his stance qua possession over the suit land through various documents. At first, the perusal of copy of Report of Gair Morussian Malkiyat State Government (Surplus) village Sita Mai, Sub-Tehsil Nigdhu mentions the name of the plaintiff at serial No. 13 of the said report. But the same does not bear any seal or signatures of concerned authority and as such, cannot be considered by this Court.*

15. *Next, a cumulative perusal of the copy of Nehri Girdawari of the year 2024 and receipts of payments to the Gram Panchayat of village Sita Mai vide Form 8-D, reflects that the plaintiff is shown in the column of cultivation qua the suit property. Furthermore, he appears to have been making payments as cultivator over the suit land to the concerned Gram Panchayat.*

16. *Though, the learned counsel for the defendant has relied upon the judgment of Hon'ble Punjab and Haryana High Court in the case of "Om Partap & Anr. vs. Chuhria Ram & Anr, CR No. 5400 of 1997 decided on 08.09.2000" to support his plea that Nehri Girdawari cannot be relied upon. But, it is pertinent to note that the facts and circumstances of the afore-said judgment are distinguishable from the facts of present case. Moreover, in the*



*afore-said judgment it has clearly been observed that Nehri Girdawari entry cannot be ignored but the party would have to show further evidence oral or documentary to rebut the presumption attached to Jamabandi, which can be done only during the course of trial.*

17. *Considering these observations, it is apposite to posit that this Court can take into purview the entries of Nehri Girdawari to prima-facie make out the possession over the suit property; which appears to be of the plaintiff. Furthermore, the plaintiff has relied upon the copy of application under Section 22 of Haryana Ceiling on Land Holding Act, 1972 filed by defendant no.1 against the plaintiff and other persons seeking eviction of unauthorized occupants from the land vested in the State. In the said application, the plaintiff has been mentioned at serial no.18 against the same khasra numbers as in the present suit property. As such, at this stage, it prima-facie appears that the plaintiff is in possession over the suit property and is cultivating the same.*

18....xxxxxx...

19....xxxxxx...

20....xxxxxx...

21....xxxxxx...

22. *Ergo, as a denouement to the above-made discourse, this court is of the considered view that the applicant-plaintiff has successfully established the prima facie case and balance of convenience in his favour as well as that irreparable loss or injury, which cannot be compensated in any form or manner, will be caused if ad-interim injunction is not granted. Accordingly, application of the applicant-plaintiff filed under Order XXXIX Rule 1 and 2 read with Section 151 of CPC stands allowed to the effect that defendant no. 2 is restrained from interfering in the possession of the plaintiff over the suit land and from dispossessing the plaintiff from the suit property; in any way or manner, forcibly and illegally, during the pendency of the suit. It is further clarified that nothing in this order shall have any*



*bearing or effect over the rights of the defendant no.1 as well as the proceedings under Section 22 of Haryana Ceiling on Land Holding Act, 1972 on the basis of application filed by defendant no.1 against the plaintiff and other persons seeking eviction of unauthorized occupants from the land vested in the State.*

*23. For the purpose of clarification, it is hereby made explicitly clear that the view taken by this court in disposing of the present application is only prima-facie, based upon the circumstances appearing from the pleadings, documents placed on record and as argued by learned counsel for both parties, and are only for the purpose of deciding this application. Nothing in this order shall be misconstrued as a reflection on the merits of the present case.*

5. A perusal of the above shows that Ld. Civil Judge (Junior Division), Karnal has passed a self speaking well reasoned order which does not require any interference by this Court. Further, the Ld. Additional District Judge, Karnal has rightly dismissed the appeal filed against the impugned order dated 05.03.2025 vide its order dated 09.04.2025.

6. In view of the above, the present revision petition is dismissed being devoid of any merit.

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

**23.07.2025**

*Yogesh*

**(SUDEEPTI SHARMA)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**