



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

**Civil Revision No. 3351 of 2022 (O&M)  
Date of Decision: 01.09.2025**

Karamjit Singh and others

..... Petitioners

**Versus**

Baljit Singh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Ms. Ishani Goyal, Advocate  
for the petitioners-defendants.

Mr. Suneet Pal Singh Aulakh, Advocate  
for the respondent-plaintiff.

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**HARKESH MANUJA, J. (ORAL)**

The petitioners-defendants, by way of present revision petition under Article 227 of the Constitution of India, seek setting aside of an order dated 09.08.2022 (Annexure P-8), passed by the learned Additional District Judge, Fatehgarh Sahib (**hereinafter referred to as “Appellate Court”**) in miscellaneous appeal, whereby an order dated 22.07.2022 (Annexure P-6) passed by the Court of Civil Judge (Junior Division), Amloh (**hereinafter referred to as “trial Court”**), dismissing the application under Order 39 Rule 1 & 2 of The Code of Civil Procedure, 1908 (**for short “CPC”**), preferred at the instance of respondent-plaintiff, was set aside; while directing the parties to maintain *status quo* regarding existing position of the suit property.

[2] Briefly stating, the respondent-plaintiff (Baljit Singh) filed a suit, i.e. Civil Suit No. 300 of 2022 / 02.06.2022, seeking permanent injunction against the petitioners-defendants with the following prayer (Page Nos. 23-24 of the paper-book):-

*“ Hence by submitting this plaint, it is, prayed that a decree for permanent injunction restraining the defendants, their agents, servants from changing the nature of the land comprised in Khewat no. 29/24 Khatouni no. 46 Khasra no. 699/675/376 (3-4), (chahi) 731/678/379 (1-8), (Chahi) 747/663/378 (6-2), (Chahi) situated within the revenue limits of village Baraichan Tehsil Amlah, District Fatehgarh Sahib as per Jamabandi for the year 2019-2020 and also restraining the defendants from raising any sort of construction over the land in suit, illegally and forcible, may kindly be passed against the defendants with costs. If any other alternative relief as this Hon’ble Court may deem fit, it and proper, in the facts and circumstances of the case or any such other relief, to which the plaintiff is found entitled later-on for the fair adjudication of case, may also be awarded to the plaintiff with costs.”*

[2.1] In response, the petitioners appeared and preferred their written statement while stating that they purchased the suit property in the shape of plots from the real brother of respondent-plaintiff vide registered sale deed dated 16.01.2019 and thus being in possession thereof were having right to enjoy the same by raising construction thereupon.

[2.2] Alongwith the suit, an application under Order 39 Rules 1 & 2 of CPC read with Section 151 of CPC was preferred at the instance of respondent-plaintiff, seeking injunction against the petitioners-defendants

for restraining them from raising construction over the suit property, which was dismissed by the learned trial Court vide order dated 22.07.2022.

[2.3] Aggrieved thereof, respondent-plaintiff filed miscellaneous appeal, which came to be allowed by the learned Appellate Court vide order dated 09.08.2022, whereby the parties were directed to main *status quo* with respect to the existing position of the suit property.

[3] Dissatisfied with the above order dated 09.08.2022 passed by the learned Appellate Court, the petitioners have preferred the present revision petition.

[4] Learned counsel for the petitioners-defendants submits that vide sale deed dated 16.01.2019, the petitioners were handed over possession of specific portion of land by Ranjit Singh, who happened to be the real brother of respondent-plaintiff and as such, they were having right to enjoy the same by raising construction thereupon and the discretion exercised by the learned Appellate Court was wholly illegal and its order dated 09.08.2022, is thus liable to be set aside.

[5] On the other hand, learned counsel for respondent-plaintiff submits that the land between the two brothers was still joint and in the absence of partition having been effected, the petitioners-defendants could not be permitted to alter the nature of the property thereby causing prejudice to the rights of respondent-plaintiff and thus, the order passed by the learned Appellate Court calls for no interference by this Court.

[6] After hearing learned counsel for the parties and having gone through the paper-book, I find substance in the submission(s) made on behalf of the petitioners-defendants.

[7] In the present case, once as per the registered sale deed dated 16.01.2019, vide which the petitioners-defendants purchased specific portion of the property falling to the share of the brother of respondent-plaintiff and were put in possession thereof, they cannot be stopped from enjoying the same, especially when they are merely raising construction of a house thereupon, which in no manner can be said to diminish the value and utility of the suit property to the disadvantage of any of the other co-sharers, especially the respondent-plaintiff.

[7.1] Moreover, the construction raised upon the property in question shall always remain subject to final outcome of the partition proceedings, if any, initiated at the instance of co-sharers; in case not been carried out so far.

[8] In such circumstances, the order dated 09.08.2022 passed by the Appellate Court, directing the parties for maintaining status quo, is hereby set aside, while dismissing the interim injunction application preferred at the instance of respondent-plaintiff.

[9] **Disposed off** accordingly.

[10] It is made clear that nothing observed hereinabove shall be construed as an expression of opinion on the merits of the main suit for its disposal.

[11] Pending miscellaneous application(s), if any, shall also stand disposed off.

**September 01, 2025**

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**( HARKESH MANUJA )**

**JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>