

CNR No: PBJL020036652026

CIS No: CS/2160/2026

YOGESH SHARMA VS LALIT SHARMA etc.

Present : Sh. Arjun Bahri, Advocate proxy counsel for the plaintiff.

Suit received by way of entrustment. Report of Reader seen.

It be checked and registered. As per office report no caveat application has been filed in the present case.

2. It is the case of the plaintiff that Santosh Sharma is his mother and Som Nath Sharma is his father. The defendants no. 1 and 2 are his brothers and defendants no. 3 and 4 are his sisters. Santosh Sharma owned the suit property by virtue of sale deed dated 10.06.1993 duly registered with the office of Sub Registrar Jalandhar. Santosh Sharma and Som Nath Sharma died on 23.12.2024 and 29.04.2026, respectively. They left behind plaintiff and defendants no. 1 to 4 as their legal heirs. Thus, the plaintiff and defendants no. 1 to 4 have become owners of 1/5th share each in the suit property. The defendants no. 3 and 4 have already executed an affidavit in which they have given an undertaking that they will transfer their share to the plaintiff, but till date, they have not done so. The defendants no. 3 and 4 have been arrayed as proforma defendants in the present case.

3. That the plaintiff along with his family is residing in that portion of the property in dispute which has been shown in yellow color in the site plan. The portion shown in red color in the site plan is meant for common purposes, which is for ingress and egress. The defendant no.

Prateek Gupta,
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2 is residing at the first floor of the property in dispute. The defendant no. 1 is not in possession of property in dispute.

4. That after the death of Som Nath Sharma, the defendants no. 1 and 2 started harassing plaintiff and his family members. They are threatening to alienate the suit property or create any charge over it or sell its specific portion. They have also started obstructing the staircase leading to the roof and have also gathered material in common places. The plaintiff and his family members requested them to desist from their illegal acts, but they refused to do so. They have told the plaintiff that they intend to raise construction without taking his permission. They are also threatening to give the possession of the suit property to some anti social elements. The plaintiff is not able to enjoy the fruits of his share because of their act and conduct. As such, he requested them several times to partition the suit property, but they are lingering the matter on one pretext or the other. They are still persisting their illegal designs. Hence the present suit.

5. After considering the submissions of ld. proxy counsel for the plaintiff and perusing the documents, I am of the considered view that a prima-facie case is made out in favour of the plaintiff for the following reasons. The record contains copy of sale deed by virtue of which Santosh Sharma became the owner of the suit property. The record also contains copy of death certificate of Santosh Sharma. This death certificate shows that Santosh Sharma is the wife of Som Nath Sharma.

The record also contains copy of aadhar card of plaintiff, which shows that Som Nath Sharma is his father. The record also contains copy of ration card which shows that Som Nath Sharma is the father of plaintiff. Hence, at this stage it appears that the plaintiff is progeny of Som Nath Sharma and Santosh Sharma. The contents of the plaint show that Santosh Sharma died intestate. Hence, after the death of Santosh Sharma, the plaintiff became one of the co-owners of property in dispute. The copy of aforementioned ration card and the copy of gas connection card, which is also on record, show that the plaintiff has shown the property in dispute as his address. Hence, at this stage, it appears that the plaintiff is in possession of some portion of the property in dispute, as alleged by him. In my considered view, it is necessary preserve the suit property so that the right of the plaintiff can be protected and multiplicity of litigation can be curbed. Further the prayed clause of application under Order 39 Rules 1 and 2 CPC read with Section 151 CPC shows that the plaintiff has sought relief against all defendants. Accordingly, the defendants no. 1 to 4, their agents etc. are restrained from alienating in any manner whatsoever any specific portion out of the suit property and more than their share in it, except in due course of law, till the next date of hearing, subject to compliance of Order 39 Rule 3 CPC within 24 hours and service upon the defendants no. 1 to 4 by the next date of hearing, failing which the stay granted by this order shall be automatically vacated. It is made clear that instant order shall not be deemed to be extended unless

specifically extended by this court. It is also made clear that this order will have no effect on any proceedings which are initiated under the SARFAESI Act or under any other law, in which the proceedings of Civil Courts are bared. It is further made clear that this order will not effect the merits of the case.

6. Let notice of the suit as well as stay application be issued to the defendants No. 1 to 4 for 13.08.2026 on filing of PF, RC/AD and copies of plaint etc. within seven days from today. Dasti summons be issued, if requested.

Date of Order: 22.07.2026

Prateek Gupta, PCS
Civil Judge (Jr. Divn), Jalandhar
UID NO . PB00536

Deepak Dogra...JW

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