

**IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION AT
AJNALA, AMRITSAR PRESIDED OVER BY SH. ANURAG
ARORA**

PBASA00000462026

CASE No: CS/26/2026**Presented on** : 16-01-2026**Registered on** : 16-01-2026**Decided on** : 20-03-2026

Sarabjit Singh Vs. Nirmal Singh

(Suit for permanent injunction)

**Application under order 39 Rules 1 and 2 read
with Section 151 CPC.**

Present: Sh. Jayant Nath Sharma, Advocate for the plaintiff.
Ms. Sandeep Kaur Advocate for the defendants No. 1 and 2.

ORDER:

Vide this order, this court shall dispose of the application u/O. 39 Rule 1 & 2 CPC filed by the applicant/plaintiff for grant of temporary injunction, thereby restraining the defendants, their agents, attorneys, privies, representatives etc. from encroaching or raising any construction at point A to B shown as green in the site plan attached measuring 2 feet 2 inch in width and having length 52.4 feet falling towards the Eastern side of the house measuring 11 Marlas as per 5 feet karm, length 53 feet, breadth 44 feet 6 inch bounded by East house of Mohinder Singh, West house of Inderpal Singh, North House of Harjit Singh and Bhagwan Singh, South House of Kalyan Singh situated in the locality Gali No. 7 Bajajawali, Rajasansi, Tehsil Ajnala, Distt. Amritsar in the Lal lakir of Abadi Rajasansi, Amritsar as per agreement dated

23.07.2018 and further restraining the defendants not to place any building material in front of the property of the plaintiffs.

2. In brief, the case of the plaintiff submitted that plaintiffs are the law abiding citizen of India and are owners in possession of the property total areas 11 marlas as per 5 feet karm, length 53 feet, breadth 44 feet 6 inch bounded by East house of Mohinder Singh, West house of Inderpal Singh, North House of Harjit Singh and Bhagwan Singh, South House of Kalyan Singh situated in the locality Gali No. 7 Bajajawali, Rajasansi, Tehsil Ajnala, Distt. Amritsar in the Lal lakir of Abadi Rajasansi, Amritsar as per agreement dated 23.07.2018 for a total consideration amount of Rs. 9 lacs paid by the plaintiffs to the defendant no.1 who after receiving the said amount executed the agreement to sale dated 23.07.2018 in the presence of witnesses. After purchasing the said property, the plaintiffs became owners in possession of the same and since the property is situated within the lal lakir of village Rajasansi and as such only the agreement of sale are executed regarding sale purchase of property within the area of Lal lakir. The area measuring 2 feet 2 inch towards the Eastern side of the property was left by the plaintiffs as a green belt out of the total width 44 feet 6 inch under the ownership of the plaintiff and the house of the defendants is situated beyond that area measuring 2 feet 2 inch having length 52.4 feet. 4. The defendant no. 2 who is the wife of defendant no. 1 has purchased her property from one Mandeep Singh Narula and now both the defendants in connivance with each other trying to usurp the area measuring 2 feet 2 inch left by the

plaintiffs as green belt towards the Eastern side of their property and defendants are trying to encroach the said green belt area under the ownership of the plaintiff and for illegally raising construction over the said area under the ownership of the plaintiffs by collecting the building material near the said green belt area of the plaintiffs. Plaintiffs many times requested the defendants not to encroach the said green belt area of the plaintiffs and also not to raise any construction over the same but the defendants are paying no heed to the genuine requests of the plaintiffs and are bent upon to encroach and raise construction over the green belt area of the plaintiffs as stated above. Even the plaintiffs have moved a complaint to the S.H.O. P.S. Rajasansi and also Tehsildar, Ajnala in this respect but till date no action has been taken against the defendants on the said complaints, hence the necessity to file the present suit has arisen. The cause of action arose to the plaintiffs against the defendants finally a week before filing the present suit when the defendants once for all refused to admit the claim of the plaintiffs over the suit property i.e. green belt area shown in the site plan attached and rather threatened to encroach the said area and raise construction over the same forcibly and illegally of which they have no right, title or interest to do so. Hence, the present stay application.

3. Upon notice, defendants No. 1 and 2 appeared and filed written statement that plaint is not maintainable against the replying defendants. Plaintiffs have not come to the court with clean hands and they have suppressed material facts from this Hon'ble Court, as such

plaintiffs are not entitled to any discretionary relief from this Hon'ble Court. In fact, the defendant No.2 who is the wife of the defendant No.1 has purchased her property measuring 06 Marlas from one Mandeep Singh Narula by way of agreement dated 28-01-2022. Said Mandeep Singh Narula was residing in the said property since last 20-25 years ago and he also delivered the possession of the said property to the defendant No.2 as per the boundaries existence at the spot. On towards the western side the length 42'-6" is wall of plaintiff's house which is fully shown in the site plan. Now the defendants renovated the said house. The plaintiffs have not changed the place of foundation of their house at the time of construction and foundation of their house is exists on the same place which is shown in the site plan in red colour. No cause of action arose in favour of the plaintiffs for filing the present suit in this Hon'ble Court against the replying defendant. The plaintiff is estopped by their own act and conduct from filing the present suit in this Hon'ble Court. The suit filed by the plaintiffs is just an abuse of the process of the court and the same is liable to be dismissed with cost. Merit: The plaintiffs are owners in possession of the property total area 11 Marlas situated in the locality Gali No.7, Bajajawali, Rajasansi, Tehsil Ajnala, Distt. Amritsar as per agreement dated 23-07-2018. In fact, the said vacant plot owned and possessed by the replying defendant No. 1 and the same was sold to the plaintiffs vide agreement dated 23-07-2018 for a total consideration amount of Rs. 9 Lakhs. It is further submitted that the house of the defendants is situated beyond the plot of the plaintiffs. The plaintiffs have

no left any area measuring 2 feet 2 inch as alleged by the plaintiffs. The plaintiffs have covered entire area by way of constructing house which was purchased by them from the defendant No.1. It is further submitted that the defendant No.2 who is the wife of the defendant No.1 has purchased her property measuring 06 Marlas from one Mandeep Singh Narula by way of agreement dated 28-01-2022. Said Mandeep Singh Narula was residing in the said property since last 20 years ago and he also delivered the possession of the said property to the defendant No.2 as per the boundaries existence at the spot. The defendants renovated the said house and in order to create hindrance in the construction work, the plaintiffs have filed false and frivolous suit. The construction of the defendants has already completed. It is further submitted that the plaintiffs have got no right to make any request to the replying defendants, nor the occasions to make any request to the replying defendants by the plaintiffs has ever arisen as alleged and it is all false, frivolous and a concocted story built up by the plaintiffs in order to file a false and frivolous suit against the replying defendants and to illegally harass and humiliate the replying defendants with illegal motive to grab the valuable portion of the defendants under the garb of the present suit. The plaintiffs have moved false and frivolous complaint to the police and Tehsildar, Ajnala against the defendants. Remaining all other averments as put forth by the plaintiffs in the plaint are false, frivolous and dismissal of the application is thus prayed for.

4. Replication to the written statement of defendants was filed by plaintiff denying the pleadings of defendants and reiterating the averments of plaintiff.

5. The Court has heard the arguments advanced by the learned counsels for both the parties and has meticulously perused the case file with their able assistance.

6. Vide the present application under Order XXXIX Rules 1 and 2 CPC, the plaintiffs/applicants seek interim relief by way of injunction, thereby restraining the defendants, their agents, attorneys, privies, representatives etc. from encroaching or raising any construction at point A to B shown as green in the site plan attached measuring 2 feet 2 inch in width and having length 52.4 feet falling towards the Eastern side of the house measuring 11 Marlas as per 5 feet karm, length 53 feet, breadth 44 feet 6 inch bounded by East house of Mohinder Singh, West house of Inderpal Singh, North House of Harjit Singh and Bhagwan Singh, South House of Kalyan Singh situated in the locality Gali No. 7 Bajajawali, Rajasansi, Tehsil Ajnala, Distt. Amritsar in the Lal lakir of Abadi Rajasansi, Amritsar as per agreement dated 23.07.2018 and further restraining the defendants not to place any building material in front of the property of the plaintiffs.

7. It is a settled law that before passing any injunction order, the Court is required to consider three basic ingredients i.e.

(i) whether there exists prima-facie case in favor of plaintiff,

(ii) whether the balance of convenience lies in favor of plaintiff for passing the order of injunction, and

(iii) whether plaintiff will suffer irreparable loss and injury which cannot be compensated in terms of costs if order of injunction is not passed.

These requirements are the basic requirements which the plaintiff is supposed to fulfill or make out before getting the order of temporary injunction in his or her favour. This settled law has also been reiterated by the **Hon'ble Supreme Court of India in M/s. Best Sellers Retail (India) Pvt. Ltd. vs. M/s Aditya Birla Nuvo Ltd. reported in 2013 (1) Civil Court Cases page 92,** apart from plethora of other judgments.

8. After hearing the learned counsel for the parties and upon perusal of the record, it is observed that the plaintiffs have averred that an agreement to sell dated 23.07.2018 was executed between the plaintiffs and defendant No. 1 for a total sale consideration of ₹9,00,000/-, pursuant to which the plaintiffs claim to have become owners in possession of the suit property measuring 11 marlas, with dimensions of 53 feet in length and 44 feet 6 inches in breadth. It is further pleaded that out of the total width, a strip of land measuring 2 feet 2 inches on the eastern side was intentionally left as a green belt.

9. It has further been alleged that defendant No. 2, who is the wife of defendant No. 1, has purchased an adjoining property from one Mandeep Singh Narula and that both the defendants are now attempting to

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encroach upon the aforesaid strip of land measuring 2 feet 2 inches by raising illegal construction thereupon.

10. Per contra, the defendants in their written statement have contended that defendant number 2 had purchased the property in question on 28.01.2022 by way of an agreement to sell from Mandeep Singh Narula, who was stated to be in possession of the property for the last 20–25 years. It is further averred that possession of the property, including the disputed portion measuring 2 feet 2 inches, was delivered to defendant No. 2, and that the defendants have already carried out renovation over the said portion.

11. In view of the rival and conflicting claims set up by the parties regarding possession over the disputed land, this Court is of the considered opinion that the issue can only be conclusively adjudicated upon appreciation of evidence, which is a matter for trial.

12. However, in order to preserve the subject matter of the suit, to prevent multiplicity of proceedings, and to avoid any irreparable loss or prejudice to either party, it is deemed appropriate to direct that both parties shall maintain **status quo with regard to construction over the disputed portion** measuring 2 feet 2 inches forming part of the suit property, till the final disposal of the present suit.

It is clarified that nothing contained herein shall be construed as an expression on the merits of the case.

Pronounced in open Court:
20.03.2026.

Parveen, Stenographer-Gr-II.

(Anurag Arora),PCS,
Civil Judge (Jr. Division).
Ajnala.UID-PB0794.

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Present: Sh. Jayant Nath Sharma, Advocate for the plaintiff.
Ms. Sandeep Kaur Advocate for the defendants No. 1 and 2.

Arguments heard on the stay application. Vide my separate order of even date, status quo with respect to possession of the suit property.

From the pleadings of the parties, following issues are framed:-

1. Whether the plaintiff is entitled for the relief of permanent injunction, as prayed for? OPP.
2. Whether suit is not legally maintainable?OPD
3. Whether plaintiff have not come to the Court with clean hands? OPD
4. Whether the plaintiff has got no cause of action to file the present suit? OPD
5. Whether the plaintiffs are estopped by their own act and conduct from filing the present suit.
6. Relief.

No other issue arises or is pressed for. Now to come up on 24.04.2026 for evidence of the plaintiff. List of witnesses, if any, be filed within a period of 7 days alongwith necessary PF and DM failing which no assistance shall be given for summoning of the witnesses.

Pronounced in open Court:
20.03.2026.

Parveen, Stenographer-Gr-II.

(Anurag Arora),PCS,
Civil Judge (Jr. Division).
Ajnala.UID-PB0794.