

Present: Sh. Yadwinder Singh, Adv., Counsel for the plaintiff.

Suit received by way of entrustment. Report of Reader seen and found correct. It be registered. Along with the suit an application under Order 39 Rule 1 and 2 CPC for grant of Ad-interim mandatory injunction is also filed.

Heard. Perusal of the case file reveals that plaintiff has filed the present suit for partition by way of separate possession by passing a decree of Partition of residential property i.e. House No.3345 measuring 253.5 Sq. Yds Sector 35-D, Chandigarh by metes and bounds. As per contents of the plaint mother of the plaintiff namely Balbir Kaur (performa defendant) has purchased the above mentioned property i.e. House No.3345, Sector 35-D, Chandigarh from one Sh. Prabh Dayal Gaba through a registered sale deed dated 02.05.1989 executed by him at the office of the Sub-Registrar, Chandigarh and after registration of the sale deed Balbir Kaur became the absolute and lawful owner of the said property. Thereafter, in the year 2012, Balbir Kaur has transferred 50% share of the property to her son namely Nakashatar Singh (father of the defendant) without any consideration and registered transfer deed bearing Sr. No.6641, Book No.1, Volume No.204 dated 08.02.2012 at the Office of the Sub-Registrar, Chandigarh.

After execution of the aforesaid transfer deed, Balbir Kaur and Nakashatar Singh became joint owners of the suit property in each holding a 50% share. Thereafter, Nakashatar Singh has further transferred his 50% share in the suit property in favour of defendant no.1 by way of registered transfer deed bearing Sr. No.504, Book No.1, Volume No.206 dated 24.04.2012 at the Office of the Sub-Registrar, Chandigarh. Further mentioned that plaintiff and the defendant no.1 are real aunt and nephew and the suit property has been received by the plaintiff to the extent of 50% share from Balbir Kaur through one Transfer Deed vide Registered No.968, Book No.1 Dated 12.05.2023 Registered at Sub-Registrar Office, Chandigarh and on the basis of this transfer deed, the plaintiff became the joint owner of the suit property with the defendant no.1. Further mentioned that the plaintiff is in possession of one room which has been constructed on the ground floor with attached washroom as a co-sharer/co-owner in the suit property. Further submitted that in the month of March, 2023 when the plaintiff came to India and acquired her 50% share in the suit property

through a transfer deed it was found that the second floor of the suit property had already been rented out by the defendant no.1 to one Dev Kumari widow of late Virender Partap Singh when she confronted him, he told that he will give half rent to her but did not do the same. Plaintiff returned back in September, 2025 from Canada for acquired possession and discovered the first floor of the suit property rented out by the defendant to another person and defendant no.1 in continuously interfering in the possession and is also ill-treating his grandmother i.e. defendant no.2 and he is intending to alienating/selling/mortgage or rent-out the specific portion of the suit property. It is prayed that he be restrained from alienation. The plaintiff has placed on record the copy of sale deed, transfer deed dated 24.04.2012, transfer deed dated 12.05.2023, copy of passport, copy of driving licence, copy of Canadian Citizenship along with copy of application.

Perusal of the above documents on the record and after hearing the plaintiff, this Court comes to the conclusion that the plaintiff has been able to establish a prima-facie case in her favour, at this stage. Therefore, this Court deem it fit to restrain the defendants, and if the interim stay, at this stage, is not granted, the purpose of filing the present suit will be frustrated. Hence, In view of the above mentioned facts and circumstances and after perusing the document on record, this Court deems it appropriate to grant ex-parte ad-interim injunction in favour of plaintiff and restrain the defendants from alienating/selling/mortgage or rent-out the specific portion of the suit property more than his share till further orders. Necessary compliance under Order 39 Rule 3 of Code of Civil Procedure, 1908 be made within 24 hours. In case of default of making compliance, the present stay order shall be vacated automatically. However, nothing this order shall have any effect on the merits of the case. Also notice of the suit as well as that of application under Order 39 Rules 1 and 2 of Code of Civil Procedure, 1908 be issued to the defendants for 07.11.2025 on filing PF and copies of the plaint immediately. Dasti summons be issued, as requested.

Date of Order: 28.10.2025
Yogesh Kumar, Steno Gr.III

Dr. Ambika Sharma
Civil Judge Jr. Division
CHD/UID No. PB0495