

CR-9518-2025

[1]

2026:PHHC:005501



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-9518-2025

Date of decision: 16.01.2026

Smt. Rajeshwari Yadav

...Petitioner

Versus

Mr. Jawahar Singh Yadav and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sanjeev Kumar Bhar, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner is the plaintiff in Civil Suit bearing CNR-HRGR021-003465-2020, titled *Rajeshwari Yadav vs. Jawahar Singh Yadav and others*, pending before the learned Civil Judge (Junior Division), Gurugram. The suit has been instituted for declaration and consequential relief of permanent injunction. Along with the suit, an application under Order XXXIX Rules 1 and 2 CPC was filed seeking temporary injunction.

2. The learned Trial Court, vide order dated 15.10.2022 (*Annexure P-5*), partly allowed the application and restrained the defendants from creating any third-party interest in the suit property during the pendency of the suit. Aggrieved thereby, the defendants preferred an appeal, which came to be allowed by the learned Additional District Judge, Gurugram, vide order dated 07.11.2025 (*Annexure P-6*), resulting in vacation of the interim injunction.

3. The present revision petition has been filed by the plaintiff, assailing the aforesaid appellate order on the ground that the learned Appellate Court erred in appreciation of facts and wrongly declined the relief of temporary injunction.

4. Learned counsel for the petitioner has been heard at length.



The paper-book has been perused carefully.

5. The undisputed factual position emerging from the record is that the petitioner-plaintiff had executed a registered sale deed dated 26.07.2019 in favour of the respondents-defendants in respect of the property in dispute for a total consideration of ₹29,94,750/-. The sale consideration was paid through cheque No. 069510 dated 26.07.2019, which was subsequently dishonoured on presentation. Consequent upon dishonour of the cheque, the petitioner initiated proceedings under Section 138 of the Negotiable Instruments Act, 1881. During the pendency of those proceedings, respondent No.1 tendered a demand draft dated 05.08.2020 for the entire sale consideration amount of ₹29,94,750/-, which the petitioner admittedly declined to accept.

6. Instead of accepting the sale consideration or seeking its recovery through appropriate civil remedies, the petitioner instituted the present suit seeking a declaration that the sale deed itself was not binding, coupled with a prayer to restrain the respondents from raising construction or alienating the property.

7. The learned Appellate Court has rightly observed that once a registered sale deed is executed, title to the immovable property stands conveyed to the vendee, unless the sale deed is set aside on legally sustainable grounds such as fraud, misrepresentation, coercion, or want of authority, none of which, prima facie, are made out at this stage.

8. Non-payment or delayed payment of sale consideration, by itself, does not invalidate a completed sale nor does it divest the vendee of title. At best, it furnishes the vendor with a personal remedy for recovery of money, but does not revive any proprietary right in the property already conveyed.



9. Significantly, even after the respondents tendered the entire sale consideration through a demand draft, the petitioner consciously refused to accept the same. Having declined to receive the consideration and having allowed the sale deed to remain operative, the petitioner cannot, in equity or law, claim any subsisting right in the property so as to restrain the lawful owners from dealing with it.

10. The three foundational requirements for grant of temporary injunction—(i) *prima facie case*, (ii) *balance of convenience*, and (iii) *irreparable loss*, are conspicuously absent in favour of the petitioner. Once ownership has passed to the respondents, the petitioner cannot demonstrate any *prima facie* proprietary right, nor can the balance of convenience tilt in her favour.

11. The learned Appellate Court has thus committed no perversity, illegality, or jurisdictional error in setting aside the order of the Trial Court. The appellate interference was fully justified, particularly in view of the settled principle that injunction cannot be used to cloud or paralyse the rights flowing from a registered conveyance.

12. In view of the foregoing discussion, this Court finds no ground to interfere with the impugned order dated 07.11.2025 passed by the learned Additional District Judge, Gurugram. The revision petition is devoid of merit and is accordingly dismissed.

16.01.2026

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No