



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 20th OF JANUARY, 2026

MISC. PETITION No. 12 of 2026

NARBADESHWAR PRATAP SINGH AND OTHERS

Versus

POONAM CHANDRA AND OTHERS

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Appearance:

*Shri Sanjay Agrawal -Senior Advocate with Shri Akshay Singh -
Advocate for the petitioner.*

*Shri Brien D Silva- Senior Advocate with Shri Ishan Soni - Advocate
for the respondent.*
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ORDER

The present petition has been filed arising out of the order dated 13.10.2025 (Annexure P-7) passed by the learned lower appellate Court whereby the learned lower appellate Court has vacated the temporary injunction granted by the trial Court vide order dated 05.02.2025. The present petition has been filed by the plaintiffs who are aggrieved by setting aside of the order of grant of temporary injunction which was in their favour.

2. The present petitioners had filed a suit before the trial court for declaration and permanent injunction basically against the defendants No.1 to 11 on the assertion that the father of plaintiffs No.1 and 2 had purchased the suit land by an unregistered sale deed dated 08-02-1992 from one Manohar Lal Ghanshyam and thereafter the plaintiffs are in possession of the



suit land either themselves or through their relatives, who are defendants No. 12 to 14 and are sons or successors of sons of one Shri Govind Narayan Singh. It is further alleged in the plaint that after purchasing the land by way of unregistered sale deed dated 08-02-1992, mutation was carried out by the revenue authority in the year 1998 and even in the course of mutation proceedings, it was recorded by the revenue authority that the petitioners are in possession and therefore they have acquired title by the unregistered sale deed in the suit land measuring 11.57 acres and prayed for permanent injunction against the defendants No. 1 to 11. They impleaded defendants No. 12 to 14 only formally. It was pleaded in the plaint that the defendants No. 12 to 14 are in actual possession of the land and are cultivating the land on behalf of the plaintiffs with their consent.

3. The defendants No.1 to 11, who are the actual contesting defendants, filed a written statement stating therein that the unregistered sale deed has been executed on the strength of an unregistered power of attorney dated 10-12-1991 which was allegedly executed in favour of Govind Narayan Singh in New Delhi while the land was situated in District Satna, M.P. It was pleaded that Govind Narayan Singh on the strength of such alleged power of attorney which is forged and fraudulent document, is stated to have sold the land by way of two different sale deeds, one in favour of Vikram Singh being his close relative and another in favour of Shiv Bahadur Singh, who is also one of his close relatives. The fraud and forgery was to such an extent that the other sale deed in favour of Vikram Singh is also unregistered and is stated to be executed on 03.07.1996 on stamp paper of



Rs.4/- which was much after death of Manohar Lal Ghanshyam who died on 5-4-1992 at Bhiwani, Haryana. It is pleaded in the written statement that the entire matter is nothing but fraud and forgery at the hands of sons of Govind Narayan Singh and his close relatives. It was further pleaded that on the basis of unregistered sale deed no title gets transferred and even the sale deed was not executed by the owner himself. Even the alleged unregistered sale deed is forged and even if it is not forged, then it is unregistered and not executed by the vendor himself, but by the power of attorney holder. The power of attorney is also unregistered and the sale is ostensibly made by power of attorney holder Govind Narayan Singh who was a powerful person, in favour of his own close relatives. Therefore, on all these assertions the suit has been defended and the application for temporary injunction was also defended.

4. The Trial Court proceeded to decide the application for temporary injunction and granted temporary injunction on the ground that the lands in question seem to be in actual possession of the plaintiffs or their agents and the unregistered sale deed has to be proved by way of evidence and therefore there is *prima facie* case, balance of convenience in favour of plaintiffs, and irreparable loss to be sustained by the plaintiffs if temporary injunction is not granted.

5. The appellate Court decided all these three limbs of temporary injunction to be non-existent in the present case on the ground that an unregistered sale deed transferring property of value Rs.100/- or more is compulsorily registrable and cannot be relied for any purpose. It is further considered by the appellate Court that even the alleged unregistered sale



deed is very suspicious document because it was never brought in the fray prior to the year 2024-25 and only recently the plaintiffs have started projecting the said unregistered sale deed which was never produced before any authority prior to 2024-25 and therefore, the entire case of the plaintiffs seems to be founded on fraud and forgery and therefore in absence of any *prima facie* case, no temporary injunction could be granted by the trial Court.

6. The learned counsel for the rival parties vehemently argued their rival cases on basis of the documents and pleadings on record. It was contended by learned senior counsel for the petitioners-plaintiffs that unregistered sale deed can be looked into for collateral purpose to determine the nature of possession though may not be for real purpose of transfer of title. It was further argued that looking to the mutation proceedings the present petitioners-plaintiffs seem to be in actual possession and pending trial, their possession ought to have been protected.

7. *Per contra*, learned senior counsel for the defendants No.1 to 11 has vehemently argued before this Court that the entire case of the plaintiffs is based on fraud and forgery and there was no *prima facie* case in favour of plaintiffs. It was further argued that the alleged unregistered sale deed is being relied by the plaintiffs only recently and there has been a lot of litigation in the matter of mutation on the land but prior to the year 2024, the alleged unregistered sale deed have never been brought to light and only recently these unregistered sale deeds are being brought to light which *prima facie* establishes that the sale deeds are forged. Even the sale deed dated 08.02.1992 on which basis the present suit is based has been written on



stamp paper of Rs.20/- whereas it mentions consideration of Rs.5.00 lakhs. The other sale deed which has been alleged to be executed on 03.07.1996 after death of the vendor is written on stamp paper of Rs.4/- and is ostensibly for consideration of Rs.3.50 lakhs. Therefore, no title passed on the basis of these suspicious documents which are also unregistered and unstamped and hence the appellate Court has rightly allowed the appeal and rejected the application of temporary injunction which was erroneously allowed by the trial court.

8. Heard.

9. In the present case, the suit is founded on an unregistered sale deed said to be executed by Manohar Lal Ghanshyam through his power of attorney holder Shri Govind Narayan Singh, who was the Ex-Chief Minister of Madhya Pradesh. The purchaser is close relative of Shri Govind Narayan Singh, namely Shiv Bahadur Singh and this fact is admitted in the plaint itself. Therefore, it is a case of power of attorney holder transferring the land in favour of his own relative on a stamp paper of Rs.20/-. The power of attorney is also unregistered and is written on a stamp paper of Rs.10/- at New Delhi, though the property was situated at Satna, M.P.

10. The alleged sale deed even if deemed to be duly signed by the power of attorney holder and power of attorney deemed to be duly executed, then also it is unregistered and un-stamped document which is inadmissible as per Section 17 Registration Act and as per Section 35 of Indian Stamp Act. Whether it can be seen for collateral purposes or not being a compulsorily registrable document and not covered by proviso to Section 49



of Registration Act, may be a question that may arise which may be considered by the trial Court after the deficit stamp duty on the document is paid. However, presently document is neither registered nor sufficiently stamped and it purports to be a sale deed.

11. The counsel for the petitioners-plaintiffs had shown the mutation proceedings to this Court across the board, that are of the year 1998. These mutation proceedings also speak about some 'कच्ची टीप' on the basis of which the mutation has been ordered. However, these mutation proceedings also do not speak about the unregistered sale deed, and no date of unregistered sale deed is mentioned. Therefore, the alleged unregistered sale deed remains shrouded in mystery.

12. Apart from that, it has been categorically held by the appellate Court that the plaintiffs have not projected this alleged unregistered sale deed at any point of time prior to the years 2024-25 and this also *prima facie* casts doubt over authenticity of these documents.

13. In the considered opinion of this Court, the plaintiffs cannot be said to have made out a *prima facie* case on the basis of an unregistered and insufficiently stamped sale deed stated to be executed by a power of attorney holder in favour of his own relative, on the strength of an unregistered power of attorney. The appellate Court seems to have rightly arrived at finding that it is a case of the suit being founded on weak foundation and there being no *prima facie* case in favour of the plaintiffs.

14. Even the power of attorney dated 10.12.1991 does not contain any specification of property and only mentions that it has been executed in



relation to “all my landed property in District Satna M.P.”. This power of attorney is also very ambiguous and vague and once it contained authority to sale the immovable property then it had to be specific in containing description of the properties. Therefore, this Court does not find any error in the impugned order passed by the appellate Court in allowing the appeal and setting aside the order of temporary injunction which was granted against the successors of Manohar Lal Ghanshyam who was the actual admitted owner of the land and no valid title had passed on from him on the strength of unstamped and unregistered sale deed.

15. Resultantly, the petition fails and is **dismissed**. The findings contained in this order are only *prima facie* in nature for the purpose of adjudication of issue of temporary injunction and would not come in way of the parties at the time of final adjudication of this suit.

(VIVEK JAIN)
JUDGE