



2026:DHC:8737



\$~

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 24 September 2026**Pronounced on: 05 October 2026**

CNR No. DLHC010276222022

+ CS(OS) 424/2022

MEENA SAMBHI

.....Plaintiff

Through: Mr. Amaan Shreyas, Ms. Monika Verma, Ms. Mannat Tipnis, Mr. Manish Kumar and Mr. Abhiraj Nigam, Advs.

versus

LEENA SAMBHI

.....Defendant

Through: Mr. Deepak Khadaria along with Ms. Bhawna for defendant Ms Leena Sambhi in person.

CORAM:**HON'BLE MR. JUSTICE VINOD KUMAR****ORDER**

%

05.10.2026**I.A. 6002/2026 (Interim injunction)**

1. The present application has been filed by the plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 seeking an injunction restraining the defendant from creating nuisance and causing obstruction/restriction to the plaintiff's entry into and enjoyment of the suit property bearing House No. QP-34, Maurya Enclave, Pitampura, Delhi-110034.



2. The suit has been filed for partition and consequential injunction in respect of the aforesaid property. The plaintiff and defendant are sisters. It is the case of the plaintiff that the suit property was owned by their father, Late Sh. Harish Chander Sambhi, who expired on 29.05.2022, and that upon his demise, the plaintiff and defendant succeeded to the property. The plaintiff claims to have a right to enter and enjoy the suit property as a co-sharer pending partition.

SUBMISSIONS OF PLAINTIFF

3. Learned counsel for the plaintiff submits that the plaintiff resides and works in the United Kingdom and had returned to India on 08.03.2026 to the suit property. It is submitted that the plaintiff was in possession of the suit property and, upon her return, the defendant restrained her from entering the premises and made her wait for several hours before permitting her entry. It is further submitted that locks had been put on portions of the suit property, thereby restricting the plaintiff's ingress. The plaintiff has placed reliance upon photographs stated to depict her in possession of the suit property.

4. Learned counsel for the plaintiff further submits that the defendant had damaged the toilet and electrical connections on the first floor and had also changed the locks of the ground floor. It is submitted that the plaintiff lodged a police complaint dated 08.03.2026 in respect of the aforesaid acts. According to the plaintiff, the acts of the defendant have caused obstruction to her access to and peaceful enjoyment of the suit property.

5. Learned counsel for the plaintiff submits that the defendant cannot exclude the plaintiff from the suit property merely on the ground that the defendant is residing therein. It is submitted that the plaintiff, being entitled to a share in the suit property, cannot be denied access thereto merely



because she ordinarily resides in the United Kingdom. It is further submitted that the rights of the parties are yet to be crystallised by partition.

6. Learned counsel for the plaintiff submits that, until partition by metes and bounds, a co-owner is entitled to possession and enjoyment of the property jointly with the other co-owner. Reliance has been placed upon the judgment of the Supreme Court rendered in ***Kochkunju Nair v. Koshy Alexander*, (1999) 3 SCC 482.**

SUBMISSIONS OF DEFENDANT

7. The defendant has filed her reply to the present application and has opposed the relief sought by the plaintiff. In her reply she denies that the plaintiff was ever in possession of any part of the suit premises and, consequently, denies having caused any disturbance or obstruction to the plaintiff. It is stated that the plaintiff has been a permanent resident of the United Kingdom since 1997 and has never resided in the suit premises on a permanent basis thereafter. The defendant further states that, when the plaintiff visited India in 2011, she was asked to leave the suit premises by their father. It is further stated that, after the demise of their father, the defendant had permitted the plaintiff to stay in the suit premises for a short period to enable her to perform the last rites and rituals. According to the defendant, the plaintiff has otherwise never been in possession of the suit premises.

8. The defendant further denies having damaged any part of the suit premises. On the contrary, it is alleged that the plaintiff herself damaged the suit premises when she entered the premises using duplicate keys in the year 2024. The defendant states that whenever the plaintiff stayed on the first floor of the suit premises, she did not maintain the same. It is further stated



that the plaintiff had given an undertaking dated 14.06.2022 to pay Rs.20,000/- per month from January 2023 and to stay on the first floor of the suit premises. According to the defendant, it was she who had been maintaining the entire suit premises at her own expense.

9. Learned Counsel for the defendant submits that the plaintiff has no right to seek the relief prayed for in the manner sought. He submits that the plaintiff has been permanently residing in the United Kingdom since 1997, whereas the defendant has been residing in the suit property and maintaining the same since 1988. Moreover, the plaintiff has not been in settled possession of the suit property and has only visited the property on certain occasions, including after the demise of their father, for the purposes of attending religious ceremonies and that plaintiff has not spent a penny on maintenance of the house.

10. Learned Counsel for defendant has drawn my attention to an earlier application under Order XXXIX Rules 1 and 2 CPC, being I.A. No. 11427/2022, filed by the plaintiff in the suit. Vide order dated 25.07.2022, the defendant was restrained from creating any third-party interest in the suit property. The said interim protection was subsequently vacated vide order dated 09.11.2022, as the plaintiff had been found to be lackadaisical in filing the process fee, which had repeatedly come under objection, resulting in the defendant not being served. Learned Counsel for the defendant submits that the present application is, therefore, an attempt to seek an order in respect of the same property despite the earlier proceedings.

11. Learned Counsel submits that the defendant was hospitalised from 06.09.2024 to 11.09.2024 and thereafter stayed at her maternal uncle's residence. It is alleged that during her absence, in October 2024, the plaintiff



entered the suit property with duplicate keys and remained there for approximately three to four weeks. The defendant alleges that during this period the premises were disturbed and certain documents, valuables and cash were removed. Therefore, the defendant thereafter lodged a police complaint and changed the locks of the property.

12. Learned counsel further submits that the plaintiff cannot claim a right of joint possession merely on the basis of her assertion that she is a legal heir of the deceased owner, particularly when she has not been in actual possession of the suit property. It is submitted that the defendant has been residing in the property for several years and that the plaintiff, who is ordinarily residing in the United Kingdom, cannot seek an interim order which would disturb the defendant's existing possession.

Opinion of the Court

13. I have heard learned counsel for the parties and perused the material on record.

14. The parties are real sisters. The suit property admittedly belonged to their father, Late Sh. Harish Chander Sambhi, who expired on 29.05.2022. Plaintiff claims her right in the suit property as one of his legal heirs. The fact that the plaintiff is residing in the United Kingdom, by itself, cannot disentitle her from seeking access to the suit property.

15. In the present application, the plaintiff is seeking access to the suit property. Plaintiff has relied upon a settlement between parties dated 14.05.222, in which plaintiff has agreed to pay Rs.20,000/- per month from January 2023 and took the keys of the first floor of the house with herself.

16. Learned Counsel for the defendant has not disputed this agreement but he submits that plaintiff is not making payment of Rs.20,000/- per month



as per the recital of the agreement. From this perusal of this agreement, it is not clear as to for which purpose plaintiff has to agree to pay Rs.20,000/- per month, but at least it is *prima facie* reflected that the keys of the first floor of the house are with the plaintiff. Therefore, it would be appropriate if plaintiff gets access to the first floor of the house.

17. Accordingly, the defendant is restrained from causing any obstruction or restriction to the plaintiff's access to the first floor of the suit property till pendency of the suit.

18. In case any lock has been put on for the purpose of preventing the plaintiff from accessing the said portion, the defendant shall give one key of the lock so as to enable the plaintiff to have access thereto, whenever she comes to India. It is made clear that one key of first floor would remain with defendant, who can open it for cleaning, maintenance etc. So far as payment of Rs.20,000/- per month by plaintiff is concerned, the remedy is available to defendant as per law.

19. It is, however, clarified that the plaintiff shall exercise her right of access, peacefully and without causing any disturbance to the defendant. The present order shall not be construed as conferring any exclusive right or possession upon the plaintiff in respect of any portion of the suit property as the shares of parties in suit property are yet to be demarcated.

20. Accordingly, the application is allowed in the above terms.

21. However, it is made clear that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.

22. The application is disposed of.



2026:DHC:8737



CS(OS) 424/2022

23. List this case before Joint Registrar for completion of admission/denial of documents on 27.10.2026.

VINOD KUMAR, J

OCTOBER 05, 2026/ dd/Harshit

Signature Not Verified

Signed By: PRA MOD
KUMAR VATS
Signing Date: 07.10.2026
16:51:24

I.A. 6002/2026 in CS(OS) 424/2022

Page 7 of 7