



2025:DHC:10011



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 13.11.2025***

+ **FAO 248/2023, CM APPLs. 50489/2023 & CM APPL. 50491/2023**

MANVIR SINGH AND ORSAppellants

Through: None.

versus

RANVIR SINGH AND ORSRespondents

Through: Mr. Rajeev Kumar, Ms. Nimmi Sinha
and Ms. Priya Singh, Advocates for
R-1.

Mr. Inderjeet Singh, Ms. Shikha and
Mr. Rahul, Advocates for R-14 &
R-15.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT (ORAL)

CHANDRASEKHARAN SUDHA, J.

1. The present appeal has been filed by the appellant/defendant under section 104 read with Order XLIII Rule 1(r) read with Section 151 of the Code of Civil Procedure, 1908 (the CPC) seeking to set aside the impugned order dated 20.07.2023 in Civil Suit No. 1075/2022 passed by the learned Additional District



Judge-04, North-West, Rohini Courts, Delhi, whereby the trial court allowed the application of the respondents/plaintiffs under Order XXXIX Rule 1 & 2 CPC.

2. The brief facts leading to the impugned judgment are that the appellant/defendants and the respondent/plaintiff are the legal heirs of late Sh. Daulat Singh. The respondent/plaintiff had filed the suit seeking partition of Plot no. 11, Pocket 15A, Sector 24, Rohini, New Delhi measuring about 330sq. yards and the said plot was allotted to Sh. Daulat Singh by DDA under the Land Acquisition Development and Disposal of Land, 1961 in year 1993 through an allotment letter dated 18.01.1993 whereas the possession of the said plot was handed over to him through letter dated 18.01.1996 and the perpetual lease deed was executed in his favor on 22.05.1996.

2.1 Sh. Daulat Singh expired on 18.12.1997. After his demise, his family members were jointly enjoying the property and the same remained undivided. On 20.03.2022, when the



respondent/plaintiff visited the property, the appellant/defendant did not permit him to enter the said property and claimed sole ownership in the property. The appellant/defendant contended that the respondent/plaintiff had no right in the property and that he had not come to the Court with clean hands. He had concealed the factum of executing a will by Daulat Singh in favor of the appellant/defendant. There is also a family settlement. Thus, it was contended that the respondent/plaintiff had no right in the property.

2.2 The respondent/plaintiff filed an application under Order XXXIX Rule 1 and 2 of the CPC seeking ad-interim injunction, which was allowed by the trial court *vide* order dated 20.07.2023 and the appellant/defendant no.1 was directed not to create any third-party interest in the property bearing Plot No. 11, Pocket 15-A, Sector 24, Rohini, New Delhi, till the disposal of the civil suit filed by respondent/plaintiff.

3. Today, when the matter is taken up, there is no representation for the appellant/defendant. On the last posting day i.e., on



07.11.2025 also there was no representation. In the interest of justice no adverse orders were passed on the said date and the matter was adjourned to this day. However, today also there is no representation on behalf of the appellant//defendant. The impugned order has only restrained the appellant/defendant no.1 from creating any third-party interest in the property.

4. It is submitted by the learned counsel for the respondent/plaintiff that the trial in the case has already started and the matter stands posted for the evidence of the respondents/defendants. Till the suit is finally disposed of, the subject matter of the *lis* needs to be preserved and that is exactly what the trial court has done by passing the impugned order dated 20.07.2023.

5. This court does not find any infirmity, irregularity or illegality in the order passed by the trial court, calling for an interference by this court. Hence, the appeal is dismissed with costs.



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6. Pending application(s), if any, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

NOVEMBER 13, 2025

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