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

+ **FAO(OS) 35/2025**

**MANU BHAGAT @ PURNIMA BHAGAT
& ANR.**

.....Appellants

Through: Ms. Deepika V. Marwaha Sr.
Adv. with Mr. Manish Agarwal
and Mr. Tanishq Sharma, Advs.

versus

ASHOK KUMAR MADAN & ORSRespondents

Through: Mr. Harish Malhotra, Sr. Adv.
with Mr. Rajender Agarwal and
Mr. Anoop Kumar, Advs. for
R-1.

Ms. Purti Gupta and Ms.
Sunidhi Sah, Advs. for R-2 to
R-5.

Ms. Seema Singh, Advs. for R-
6 to R-9.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

% **18.03.2025**

CM APPL. 15572/2025 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application shall stand disposed of.

FAO(OS) 35/2025 & CM APPL. 15571/2025 (Interim Stay)

3. The instant appeal is directed against the order passed by the Learned Single Judge dated 29 January 2025 refusing to grant the ex parte and ad interim injunction which was prayed for in the suit.
4. The suit which had been instituted was with respect to declaration, partition, damages and the grant of a permanent injunction



against the defendants in respect of the suit property bearing Plot No. 29, Block No. 60, New Rohtak Road, Karol Bagh, New Delhi-110005.

5. The Learned Single Judge has on a prima facie consideration of the material placed before the Court come to render the following pertinent findings: -

“17. The facts of the case, as evident from the record, indicate that after the death of late Mr. Jai Kishan Madan, a family settlement appears to have been made through an oral agreement, which was later reduced to writing on 05.02.1982. In the said family settlement, the plaintiffs and their sister appear to have relinquished all their rights in favour of defendant no. 1 and Ms. Sushila Devi, the mother of the parties.

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19. It is also to be noted that the property was mutated in favour of defendant no. 1 and Ms. Sushila Devi on 17.02.1995, and was later converted to freehold by the Delhi Development Authority in 2001. A conveyance deed was executed on 09.04.2001 and registered on 10.04.2001. The Civil Suit itself came to be filed in the year 2024.

20. The sale of the property to defendant Nos. 2 to 5 took place on 05.12.2023. The sale documents have been duly registered, and all necessary steps, including payment of duties have been completed. The primary dispute raised by the learned counsel for the plaintiffs concerns the right of defendant No.1 to execute the sale deed.”

6. As is manifest from the above, the Court had come to a prima facie conclusion that the family settlement was liable to be construed as embodying a relinquishment of rights by the plaintiff and their sister in favour of the defendant no. 1 and the Late Ms. Sushila Devi.

7. The Learned Single Judge has also borne in consideration the fact that the property was mutated in favour of defendant no. 1 and Ms. Sushila Devi on 17 February 1995 and which was thereafter accorded freehold rights by the Delhi Development Authority in 2001.

8. The conveyance deed in question was executed on 09 April 2001 and duly registered in the office of the Sub Registrar. The suit



itself came to be instituted in the year 2024.

9. Bearing in mind the aforesaid facts, we find no error in the Learned Single Judge ultimately refusing to grant the injunction as prayed for. We also find no justification to interfere with the view expressed by the learned Judge insofar as transfers pendente lite are concerned.

10. Our decision to desist from interfering with the view expressed by the learned Single Judge also flows from the well settled precept of interference by an appellate court with a discretionary exercise of power being warranted only if the order be found to suffer from a manifest illegality or perversity. We have no hesitation in observing that the order impugned clearly does not fall foul of those tests.

11. In view of the aforesaid, the appeal fails and shall stand dismissed.

YASHWANT VARMA, J.

HARISH VAIDYANATHAN SHANKAR, J.
MARCH 18, 2025/ nd