



2025:DHC:6898-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI**Date of decision: 30.07.2025**

+ MAT.APP.(F.C.) 198/2025 & CM APPL. 32699/2025 (Stay)

TEJINDER SINGH

.....Appellant

Through: Mr. Giriraj Subramaniam, Mr.
Simarpal Pal Singh Sawhney,
Ms. Bijaharini G, Advocates

versus

BEVERLEY SINGH

.....Respondent

Through: Mr. Prosenjeet Benerjee, Ms.
Mansi Sharma and Mr. Rehan
Verma, Advocates**CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (ORAL)**ANIL KSHETARPAL, J.**

1. The present Appeal assails the Order dated 15.05.2025 passed by the learned Family Court, Patiala House Courts, New Delhi in HAMA No. 02 of 2023 captioned ***Beverley Singh vs. Tejinder Singh***, whereby an application filed by the Respondent seeking injunction and directions to restrain the Appellant from alienating the suit property, has been allowed.

2. Although the parties share a long and chequered history of litigation, the present narration of facts is confined to the facts relevant to the filing of this appeal.



3. The proceedings instituted by the Respondent-Wife under Section 18 of the **Hindu Adoptions and Maintenance Act, 1956**¹, in HAMA No. 02 of 2023 are still pending before the learned Family Court. As disclosed by the learned counsel for the Appellant, the Respondent has been held entitled to maintenance *pendente lite* at the rate of Rs. 1,25,000/- per month.

4. During the pendency of the same, an application filed by the Respondent under Order XXXIX Rules 1 and 2 read with Section 151 of the **Code of Civil Procedure, 1908**², seeking injunction was allowed and the Appellant, his agents, persons, etc. were restrained from selling, entering into Agreement to Sell, mortgaging or creating third party interest in the property bearing No. **3A, Sardar Patel Marg, Chanakyapuri, New Delhi** [hereinafter referred to as “**Suit Property**”] or doing any act or omission which would result in destruction of the subject property during the pendency of the suit.

SUBMISSIONS ADVANCED BY THE PARTIES:

5. Learned counsel for the Appellant has made the following submissions:

5.1 The learned Family Court has no jurisdiction to pass an injunction order restraining the Respondent from alienating the property.

5.2 The learned Family Court has passed the Impugned Order without adhering to the three settled tests governing the grant of injunctions, namely, *prima facie* case, balance of convenience, and irreparable injury.

5.3 The Respondent has already been granted the right of residence

¹ HAMA

² CPC



vide Order dated 29.04.2024 passed by the Hon'ble Supreme Court in SLP (C) Nos. 2439-24440/2024 titled ***Tejinder Singh v Beverley Singh***.

6. *Per contra*, the learned counsel for the Respondent submits that the Appellant has concealed the Order dated 11.07.2024, passed by a Co-ordinate Bench of this Court in MAT. APP. (F.C.) 213/2024. It is further submitted that the proceedings before the learned Family Court are at an advanced stage, as the Respondent herein has concluded her evidence and the matter before the learned Family Court is now listed for Appellant's evidence.

ANALYSIS AND FINDINGS

7. A bare perusal of the petition under Section 18 of the HAMA filed by the Respondent makes it evident that the Respondent has prayed for the grant of maintenance. She has claimed maintenance at the rate of Rs.19,00,000/- per month, while seeking recovery of Rs.2,10,00,000/- for the past maintenance. Further, Respondent has also prayed for a grant of a decree of mandatory injunction directing the Appellant herein to reinstate the Respondent herein in the suit property.

8. In the Petition, the Respondent has disclosed a list of the properties owned by the Appellant. It is claimed by the Respondent that the suit property is her shared household. The list of the properties is reproduced hereinbelow:-

"31. The Following immovable properties are in the absolute ownership and title of the Respondent such as:

a. 3A Sardar Patel Marg, Chanakya Puri [a bungalow built on 1111 sq. yards].

b. Knollswood Estate, Shimla



- c. A 26/3 Mohan Cooperative Industries Estate.
- d. Hill Top Refinery Factory in Karsog
- e. Penthouse in Gaziabad
- f. Land in Jyonti Village admeasuring 6 acres
- g. Flats in Calcutta
- h. Land in Naldera, H.P.
- i. Land in Dharamshala approximately 6 acres.
- j. Orchards in Dochi, Chail, H.P. [5 acres]
- k. Coffee Plantation in Coorg, Karnataka.

The above list of properties is not exhaustive. The Respondent also buys properties in other person's name and takes an irrevocable power of attorney in his favour. Thus, the Respondent is holding some properties benami. The Petitioner reserves her right to add more properties to the above list as and when she gets knowledge of it. Suffice to say that the value of the above properties is more than INR 500,00,00,000/- [Rupees Five Hundred Crores]."

9. The jurisdiction of the Family Court is regulated by Section 7 of the Family Court Act, 1984. Section 7(1)(a) provides that a Family Court shall have and exercise all the jurisdiction exercisable by any District Court or any Subordinate Civil Court, with respect to items listed in the Explanation of the said Section.

10. Relevant to the matter in hand are Clauses (d) and (f) to the Explanation. Clause (d) provides that a suit or proceedings for an order or injunction in circumstances arising out of a marital relationship shall be maintainable before the Family Court, whereas Clause (f) provides that a suit or proceedings for maintenance shall be maintainable before the Family Court.

11. Learned counsel representing the Appellant has relied upon the Judgment passed in **B. Gajendran v. Adhilakshmi**³, wherein the Madras High Court held that a suit for perpetual injunction to restrain

³ B. Gajendran v. Adhilakshmi , 2013 SCC OnLine Mad 1195



the husband from selling his own property is not maintainable. In this case, the suit is not merely for an injunction but for grant of maintenance as well.

12. Similarly, in **Kanchan Upadhyay vs. State of U.P. & Ors.**⁴, the Petitioner filed a writ petition for restitution of possession, while alleging that she has been dispossessed from the house.

13. Reliance has been placed by the learned counsel on the judgment of the Madras High Court in **C. Raja vs. M. Sreedevi**⁵, wherein a suit for perpetual injunction, restraining the husband from alienating the suit property, was filed.

14. The next reliance is placed on the Judgment passed in **Ankita Hiren Jhaveri vs. Hiren Udayan Jhaveri**⁶. A petition under Articles 226 and 227 of the Constitution of India was filed against an injunction that was granted by the learned Family Court, but later on vacated. Hence, a prayer was made to set aside the order by which an interim injunction granted in favour of the Petitioner was vacated. This judgment is not related to the jurisdiction of the Family Court.

15. Further, reliance is placed on **Geeta Anand vs. Tanya Arjun & Anr.**⁷ wherein a suit for possession/injunction was filed by in-laws of the Defendant, claiming themselves to be the exclusive owners of the property. In that context, the Division Bench of the Court answered the following two questions:-

“(a) When a suit for possession/injunction filed by the in-laws of the

⁴ Kanchan Upadhyay vs. State of U.P. & Ors., 2006 SCC OnLine All 102

⁵ C. Raja vs. M. Sreedevi, 2023 (4) SCC 705

⁶ Ankita Hiren Jhaveri vs. Hiren Udayan Jhaveri [dated 16.12.2019 in Special Civil Application No. 21844/2019]

⁷ Geeta Anand vs. Tanya Arjun & Anr. 2024 SCC OnLine Del 2327



defendant or either of them, claiming themselves or either of them to be the exclusive owner of the property of which the possession is sought or with respect to which injunction is prayed for from or against the defendant daughter-in-law, is to be tried exclusively by the Family Court established under the Family Courts Act, and the jurisdiction of the civil court is barred?

(b) Whether the impleadment or non-impleadment of the husband of the defendant son of the plaintiff has any effect on the maintainability of such a suit before a civil court?”

16. Lastly, the Judgment passed in **K.A. Abdul Jaleel vs. T.A. Shahida**⁸ has been referred to by the learned counsel for the Appellant. In this judgment, a suit claiming ownership of the properties purchased by the other spouse and for possession was examined, and the Court held that the Family Court has no jurisdiction.

17. It is evident that none of the aforementioned judgments is applicable to the present matter, as none of these judgments directly answers the questions herein and therefore, are distinguishable.

18. Turning now to the next argument advanced by the learned counsel for the Appellant — that the learned Family Court failed to apply the three well-known tests for the grant of an injunction. Although the Family Court did not consider the three tests, namely: (i) the existence of a *prima facie* case, (ii) the balance of convenience being in favour of the Respondent, and (iii) the irreparable loss likely to be suffered by her if the injunction were not granted, however, from the discussion, it is evident that the Petitioner/Respondent herein was able to make out a case for grant of injunction particularly, when she was allegedly forced to leave her shared household.

⁸ K.A. Abdul Jaleel vs. T.A. Shahida (2003) 4 SCC 166



19. It is her positive case that the suit property was her matrimonial house, and she was allegedly forced to vacate as the Appellant rented it out. The main petition is at the stage of final adjudication. In the meantime, if the Appellant is permitted to alienate the subject property, the Respondent is likely to suffer irreparable loss and injury, which cannot be compensated for later on.

20. The last argument of the learned counsel for the Appellant also lacks substance because the Hon'ble Supreme Court has only granted the right of residence to the Respondent, and that is also not permanent because the right of residence in the shared household is only an interim/temporary arrangement till the rights of the parties are adjudicated.

21. The Order passed by the Hon'ble Supreme Court does not preclude the Family Court from passing an injunction order.

22. In view of the foregoing discussion, no ground to interfere with the impugned order is made out. This Appeal is disposed of with the hope and expectation that the matter shall be finally disposed of expeditiously by the learned Family Court.

23. Accordingly, the present Appeal, along with the pending application, is disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

JULY 30, 2025/sp/er