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

+ MAT.APP.(F.C.) 400/2025, CM APPL. 68950/2025, CM APPL. 68951/2025 and CM APPL. 68952/2025

NIDHI KHANDELWALAppellant

Through: Mr. Kunal Madan and Mr. Piyush Jain, Advs.

versus

PANKAJ KHANDELWALRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

12.11.2025

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1. Through the present Appeal, the Appellant (Respondent before the Family Court) assails the correctness of the order dated 18.08.2025 [hereinafter referred to as 'Impugned Order'] passed by the learned Judge, Family Court-01, West District, Tis Hazari Courts, New Delhi in CS No.131/2023 captioned ***Sh. Pankaj Khandelwal v. Ms. Nidhi Khandelwal***, wherein an application filed by the Appellant under Order VII Rule 11 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] to reject the plaint at the threshold, was rejected.
2. The Respondent (Plaintiff before the Family Court) had filed the CS No.131/2023 with the following prayers:

"i. Pass a judgment and decree of Declaration in favour of the Plaintiff and against the Defendant, thereby declaring that the Plaintiff is the absolute owner of the suit property i.e. V-237, Second Floor, Front Portion, Rajouri Garden, New Delhi-110027; and / or

ii. Pass a judgment and decree of Permanent Injunction in favour of the Plaintiff and against the Defendant, thereby restraining the Defendant, her legal heirs, associates and representatives from



creating any third party rights/title/ interest in the suit property i.e. V-237, Second Floor, Front Portion, Rajouri Garden, New Delhi-110027; and/or

iii. Pass a judgment and decree of Permanent Injunction in favour of the Plaintiff and against the Defendant, thereby restraining the Defendant and her legal heirs and representatives from dealing in any manner whatsoever in the Suit Property i.e. V-237, Second Floor, Front Portion, Rajouri Garden, New Delhi-110027; and/or

iv. Pass a judgment and decree of Permanent Injunction thereby directing the Defendant to restrain / refrain herself from threatening the Plaintiff by any means/ external force/ pressure or cause coercion in any manner, in order to disposes the Plaintiff from the suit property on account of the Sale Deed dated 30.11.2016 or otherwise; and/or

v. Direct the Defendant to pay the costs of the legal proceedings; and/or”

3. In substance, the property bearing No. V-237, Second Floor, Front Portion, Rajouri Garden, New Delhi-110027 [hereinafter referred to as ‘Suit Property’] was jointly purchased by the Appellant and Respondent on 30.11.2016. The Respondent by filing the CS No.131/2023 claimed that he is the absolute owner of the Suit Property.

4. Learned counsel representing the Appellant submits that the suit for declaration on behalf of the Respondent to claim exclusive ownership is not maintainable in view of the provisions of Prohibition of Benami Property Transactions Act, 1988.

5. This Court has considered the submissions and deems it appropriate to observe that it is well settled law that a part of the plaint cannot be rejected while exercising powers under Order VII Rule 11 of the CPC.

6. *Vide* prayer Nos.ii and iii, the Respondent prays for grant of permanent injunction and mandatory injunction.

7. The Respondent is admittedly the owner of half share of the Suit Property and is also in possession thereof. Therefore, he is



entitled to maintain the CS No.131/2023 for grant of injunction.

8. Hence, there is no error in the Impugned Order.

9. Accordingly, the present Appeal, along with pending applications, is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 12, 2025

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