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

+ **FAO 336/2025**

RAKESH DUGGAL (THROUGH LRS)

.....Appellants

Through: Mr. Mohd. Amanullah, Mr. Misbah
Bin Tariq, Mr. Azhar Ali, Ms. Suphia
Maque and Mr. Pradeep Routela,
Advocates

Versus

SHARDA DUGGAL (THROUGH LRS) AND ANR

.....Respondents

Through: Mr. Rajat Anena and Mr. Aditya
Sharma, Advocates

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

ORDER

01.12.2025

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CM APPL 75307-08/2025 (Exemptions)

Allowed, subject to all just exceptions.

The applications stand disposed of.

FAO 336/2025 and CM APPL 75309/2025

1. The present appeal has been filed under Order 43 Rule 1(r)
read with Section 104 of the Code of Civil Procedure, 1908 (the



CPC), challenging the order dated 16.10.2025, by which an application under Order 39 Rule 1 CPC filed on behalf of respondent no. 1/plaintiff was allowed, and the appellant/defendant was restrained from carrying out any commercial activity on the ground floor of the suit property during the pendency of the suit.

2. Issue notice.

3. The learned counsel appearing on behalf of the respondents accepts notice.

4. It is submitted by the learned counsel for the appellant/defendant that, as of now, no commercial activities are being carried out; however, the appellant/defendant may, in the future, start commercial activities on the ground floor of the suit property, as the same is necessary for her livelihood.

5. On the other hand, it is submitted by the learned counsel for the respondents that the lease deed dated 29.04.1949 does not permit the use of the ground floor for commercial activities, and hence, the trial court granted the order of injunction, which suffers



from no infirmity.

6. Heard both sides.

7. During the course of arguments, the learned counsel for the appellant/defendant was asked whether it could be stated in writing that no commercial activity is being carried out presently in the disputed property. However, it is submitted that such a statement cannot be given in writing. It is reiterated that the appellant/defendant may require the premises to be put to commercial use in the future to sustain herself.

8. In these circumstances, I find that there is no infirmity in the interim order of injunction granted by the trial court, as the preservation of the property till the disposal of the suit is necessary. Therefore, the order of injunction granted by the trial court shall continue till the disposal of the suit.

9. It is made clear that in case any modification is required, the parties will be at liberty to move the trial court in accordance with law, if they are so advised.



10. The appeal is accordingly disposed of in the aforesaid terms. Application(s), pending if any, stand closed.

CHANDRASEKHARAN SUDHA, J

DECEMBER 1, 2025

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