

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:073053-DB



CM-13-FACOM-2026 in/and
FAO-COM-3-2026 (O&M)
Date of Decision: 11.05.2026

Mega Mall Condominium Association

...Appellant

Vs.

Mr. Rohit Sawhney and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. R.K. Handa, Sr. Advocate with
Ms. Gauri Handa, Advocate and
Mr. Dharambir Bhargav, Advocate for the appellant.

Mr. Gaurav Chopra, Sr. Advocate with
Mr. Ishan Sanghi, Advocate,
Mr. Sachin Sharma, Advocate,
Ms. Poorvashi Kalra, Advocate and
Mr. Harmeet Singh, Advocate for respondent No.1

Mr. Shourya Arora, Advocate for respondent No.2.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This commercial appeal arises out of an order passed by the learned Commercial Court, Gurgram, dated 07.02.2026, in Commercial Suit No.59 of 2025, instituted by the respondent – plaintiff, disposing of the application under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC.

2. It transpires that the respondent No.1 – plaintiff is the owner of the suit property i.e. unit/commercial space No.MS0302 admeasuring 462.77 sq. meters (4981 sq. feet) situated on the 3rd floor of a Commercial Building known as DLF Mega Mall, DLF City, Phase-1, Gurugram. The suit property was

purchased by the respondent No.1 - plaintiff from M/s DLF Housing and Construction Limited vide registered conveyance deed dated 08.07.2005. The appellant before this Court is the defendant No.1 in the suit which is a society registered under the Haryana Registration and Regulation of Societies Act, 2013. After purchase of the property, the respondent No.1 – plaintiff had given the suit property on lease to defendant No.2 vide registered lease deed dated 09.02.2012. The controversy raised is related to the charge of maintenance by the appellant - defendant No.1 for managing of common area. It appears that the suit property was initially under the tenancy of defendant No.2 and such tenancy was terminated by defendant No.2, which led to the arbitration proceedings between the plaintiff and defendant No.2. The Arbitrator found such tenancy to have not been legally terminated. The dispute relating to payment of maintenance charge has continued ever since then. The maintenance charges have not been paid to the defendant No.1 – society by the plaintiff on account of which the defendant No.1 society has objected to plaintiff/respondent's occupation of the suit property and put it to use.

3. Two suits in respect of the dispute regarding maintenance charges have been instituted before the Commercial Court at Gurugram. The appellant – defendant No.1 society has filed Commercial Suit No.35/2025 for recovery of the maintenance charges and for other ancillary reliefs. The owner of the suit property is plaintiff/respondent, on the other hand, has filed a suit for injunction restraining the appellant / defendant No.1 from causing any interference in the occupation of the suit property on account of alleged non-payment of the maintenance charges.

4. The Commercial Court has disposed of the injunction application filed in the suit of the respondent No.1 – plaintiff by the order impugned. This

order is assailed by the appellant / defendant No.1 on the ground that the Commercial Court has not appropriately adjudicated the liability of the owner of the property to pay the common area maintenance charges and, therefore, the grant of injunction virtually defeats the claim of the defendant No.1-society for which its suit for recovery is pending.

5. We have heard learned senior counsel for the parties at length and have examined the issues raised in the matter.

6. Having considered the respective submissions, we find substance in the arguments advanced on behalf of the appellant as per which the dispute being inextricably interconnected, the injunction application filed in the present suit instituted by the respondent No.1 ought to have been heard along with the pending injunction application in the suit filed by the appellant – defendant No.1 relating to recovery of maintenance charges. The disposal of the interim injunction application filed by the plaintiff/respondent is found to have adversely affected the claim of the appellant in its suit for recovery.

7. We are, therefore, of the view that instead of keeping the matter pending, it would be appropriate that the present appeal be disposed of by directing the Commercial Court to decide interim injunction application in both the suits, together by a composite order.

8. Learned counsel for the parties are in agreement that such course would substantially sub-serve the interest of the parties. We are also of the view that issues being interconnected, the disposal of one injunction application while keeping the injunction application in another suit pending, would defeat the purpose of filing of appellant's suit for recovery.

9. In that view of the matter, without commenting upon the merits of the order of the Commercial Court, Gurugram, dated 07.02.2026, we allow the

present appeal and set aside the order dated 07.02.2026. The Commercial Court, Gurugram, is requested to take up the injunction application filed by the respondent No.1, in its Commercial Suit along with pending injunction application of the appellant filed in Commercial Suit No.35/2025 together, for disposal. We also direct the parties to appear before the Commercial Court at Gurugram on 19.05.2026. Both the suits would be clubbed and the interim injunction applications in both the suits would be taken up together for disposal. This is so as the cause raised in both the matters are interconnected and would have bearing upon each other. The parties undertake not to seek any unnecessary adjournments. We request the learned Commercial Court, Gurugram, to dispose of the matter as early as possible preferably within a period of three months.

10. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

11.05.2026
rajesh

1. Whether speaking/reasoned?

:

Yes/No
2. Whether reportable?

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Yes/No