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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 66/2025 and CM APPL. 17038/2025

OMWATI DAGAR

.....Appellant

Through: Mr.Karan Kumar, Mr.Yash Arya and
Ms.Shurbhi, Advocates

versus

MUKESH DAGAR & ORS.

.....Respondents

Through: Mr.Sundeeep Sehgal, Advocate for
respondent Nos.1,2 & 4
Mr.Nitin Joshi and Mr.Harsimran
Singh, Advocates for respondent No.3
Mr.Vikas Chopra, Standing Counsel
for MCD with Mr.Neeraj Kumar,
Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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06.02.2026

1. The present appeal has been preferred by the appellant under Order XLIII Rule 1 read with Section 151 of The Code of Civil Procedure, 1908, against the order dated 20.01.2025 passed by the learned DJ-03, South District, Saket Courts, Delhi in CSDJ/3869/2024 seeking following prayers:-

“1. Grant/Pass Ad-Interim Ex-parte Injunction in favour of the appellant and against the respondents thereby restraining them from carrying out any demolition/construction activities on his property bearing No. 188 and 189 Maidan garhi, near Old Chaupal, South Delhi-110068;

2. Grant/Pass Ad-Interim Ex-parte Injunction in favour of the appellant and against the respondents thereby restraining them from causing any further damage to the property bearing No. 189 Maidan garhi, near Old Chaupal, South Delhi-110068;

3. Pass an order setting aside the assailed impugned order



dated 20.01.2025 passed by the Ld. DJ in CSDJ No. 3869/2024.”

2. Briefly stated, the appellant/plaintiff claims to be the owner and in possession of property bearing House No. 189, *Maidan Garhi, near Old Chaupal, South Delhi*, and alleges that respondent No.1 undertook unauthorized demolition and construction at the adjoining property bearing House No. 188, resulting in damage to the appellant's structure. The case of the appellant is that both properties are old constructions and share a common wall, which, according to her, has been encroached upon during the course of construction.
3. The appellant had approached the learned Trial Court seeking restraint on further construction/demolition activities. When Local Commissioner was appointed, who submitted a report dated 17.08.2024 along with photographs depicting the site position. Upon consideration of the record the learned Trial Court, by the impugned order dated 20.01.2025, declined to grant interim injunction, holding that the appellant had failed to satisfy the triple test of prima facie case, balance of convenience and irreparable loss.
4. At this stage, learned counsel for respondent Nos. 1, 2 and 4, as well as learned counsel for respondent No. 3, on instructions, submit that the construction has already been completed.
5. In view of the above, nothing further survives for consideration. Accordingly, the present appeal is disposed of along with the pending application.
6. Needless to state, any construction carried out shall remain subject to



the outcome of the suit and in accordance with applicable local laws.

MANOJ KUMAR OHRI, J

FEBRUARY 6, 2026

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