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

+ **FAO 162/2026**

DHRUV MEHTA

.....Appellant

Through: Mr. Arun Baali, Ms. Arisha Ahmad,
Mr. Tushar Mehta, Advocates.

versus

AKHILESH & ORS.

.....Respondent

Through: Mr. Ashok Kumar Mishra, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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15.05.2026

CM APPL. 33218/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

FAO 162/2026 & CM APPL. 33217/2026 (stay)

1. By way of present appeal, the appellant seeks to assail the order dated 27.03.2026 passed by the learned District Judge-01, South West District, Dwarka Courts, New Delhi in CS DJ ADJ No.534 of 2024, whereby an application filed by the appellant under Order XXXIX Rules 1 and 2 CPC came to be dismissed.
2. Learned counsel appearing for the appellant contends that the underlying suit has been filed seeking declaration, possession, cancellation of documents and permanent injunction, wherein the appellant claims ownership over the suit property. In this regard, learned counsel for the appellant has referred to the Agreement to Sell executed by one *Saroj Sharma* in favour of the appellant's grandmother, late *Smt. Anjana Mehta*. It



is stated that post intestate death of the grandmother, the suit property devolved upon the appellant's father and his two siblings. Thereafter, the siblings of the appellant's father executed a registered relinquishment deed relinquishing their respective shares in favour of the appellant's father. Upon the demise of the appellant's parents, the appellant's uncle, namely *Sanjeev Mehta*, filed a guardianship petition under Sections 7 and 8 of the Guardians and Wards Act, 1890 in the year 2008 and he was appointed as guardian of the appellant till he attained majority with respect to the person, pensionary benefits and properties inherited by the appellant, including the suit property.

3. The aforesaid contentions are refuted by learned counsel appearing for the respondents, who appears on advance notice. He submits that the respondents are also relying upon a chain of documents and claim to have purchased the builder floors/flats in question by virtue of Agreements to Sell in their favour.

4. Before proceeding further, it is well settled that while exercising appellate jurisdiction against an interlocutory order granting or refusing an injunction, the Appellate Court ought to be slow in interfering with the discretion exercised by the Trial Court. Interference is warranted only where such discretion is shown to have been exercised arbitrarily, capriciously, perversely, or in disregard of settled principles of law. [CR: *Wander Ltd. v. Antox India (P) Ltd.*¹; *Mohd. Mehtab Khan v. Khushnuma Ibrahim Khan*²].

5. The grant of a temporary injunction is governed by the well-settled triad of principles, namely, the existence of a *prima facie* case, the balance

¹ (1990) Supp SCC 727

² (2013) 9 SCC 221



of convenience being in favour of the applicant, and the likelihood of irreparable injury in the event relief is denied. These principles must co-exist and are to be assessed on a cumulative basis. [CR: Dalpat Kumar v. Prahlad Singh³].

6. Applying the aforesaid principles to the facts of the present case, this Court is of the view that the triple test for grant of interim protection stands satisfied and, considering the rival ownership claims of the parties over the suit property, status quo deserves to be maintained during the pendency of the suit to ensure that the suit property does not change hands or its character is changed.

7. In view of the above, the present appeal, along with the pending application, is disposed of with a direction that the parties shall maintain status quo with respect to title and possession of the suit property during the pendency of the suit.

MANOJ KUMAR OHRI, J

MAY 15, 2026/rd

³ (1992) 1 SCC 719