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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 178/2024, CM APPL.31772/2024 and CM APPL.59179/2025**

AMARJIT SINGH

.....Appellant

Through: Mr.Tarun Shokeen, Advocate

versus

SH. VAS DEV CHAWLA

.....Respondent

Through: Mr.Prag Chawla and Mr.Vasu Arora,
Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **13.05.2026**

1. The present appeal has been preferred seeking to assail the order dated 30.04.2024 passed by the learned DJ-04, North-West, Rohini Courts, Delhi, in an application under Order XXXIX Rules 1 and 2 CPC, whereby the respondent/plaintiff has been allowed to install two water storage tanks of the capacity of 500 liters each, for the use of the occupants of ground floor and first floor of the suit property. The Trial Court had also recorded that the plaintiff would get the roof/place repaired where the water tanks were to be installed, and the appellant/defendant was directed not to interfere in the installation of water connection and storage of water tanks.
2. Learned counsel for the defendant while assailing the impugned order, contends that the Trial Court failed to appreciate that the defendant is the owner and occupant of the second floor along with the terrace of the suit property. It is further contended that the Trial Court failed to consider the



condition of the terrace/mumty as reflected in the photographs annexed with the Local Commissioner's report, was not fit for installation of water tanks of such capacity.

3. Learned counsel for the plaintiff, on the other hand, defended the impugned order by contending that the same has been passed in the context of suit preferred by the plaintiff seeking a decree of possession of the second floor of the suit property. Further direction was sought to the defendant for payment of rent arrears along with ancillary reliefs of decree of mesne profits and permanent prohibitory injunction. It is also submitted that it was the defendant who was providing water from his own connection to the ground and first floors.

4. The plaintiff claimed to be the owner of the entire suit property and claimed that the defendant was let out the second floor of the suit premises *vide* Rent Agreement dated 17.01.2020 for a period of 11 months. On expiry of the Rent Agreement, the defendant neither vacated the premises nor paid arrears of rent since March 2020, nor the mesne profits/damages. The defendant, on his part, contested the suit by claiming the ownership on the strength of GPA dated 11.06.2010. He further relied on electricity and water bills in support of his claims. The Trial Court had appointed a Local Commissioner, who, in his report, stated that the water pipe was connected from the mumty situated at the roof of at the second floor to the ground floor, the same was, however, disconnected.

5. 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 Khan²].

6. 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 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].

7. Both the parties have set up the rival contentions with respect to the second floor, however, the present order is confined to installation of water tanks at terrace for the use of ground and first floors occupants of the premises. Insofar as the objection to the strength of roof is concerned, the plaintiff has already undertaken that he would repair the place before the installation of the water tanks. At this stage, the rival claims of ownership and possession are yet to be adjudicated during trial. The impugned order is only intended to ensure availability of water for the occupants of the premises. Therefore, the plaintiff has been able to satisfy the triple test for grant of interim relief.

8. Thus, this Court finds no ground to interfere with the impugned order. The appeal is, accordingly, dismissed. However, it is clarified that that installation of water tanks or repair of terrace will not provide any special equity in favour of the plaintiff.

¹ (1990) Supp SCC 727

² (2013) 9 SCC 221



9. Consequently, pending applications shall stand closed.

MANOJ KUMAR OHRI, J

MAY 13, 2026

pmc

³ (1992) 1 SCC 719