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

% ***Judgment reserved on: 07.09.2026***
Judgment pronounced on: 18.11.2026

CNR No. DLHC010342752026

\+ FAO 235/2026

NISHI SINGH .....Appellant

Through: Mr. Mahavir Singh, Ms. Panchajanya Batra Singh, Mr. Himalaya Singh and Ms. Mamta, Advocates.

versus

ALOK KUMAR .....Respondent

Through: Mr. Amit V. Awasthi and Mr. Abhigyat Chaitanya, Advocates.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Appeal, filed under Section 104 read with Order XLIII Rule 1 (r) read with Section 151 of the **Code of Civil Procedure, 1908**[1], has been preferred by the Appellant, Mrs. Nishi Singh, assailing the **Order dated 16.04.2026**[2] passed by the **learned Principal Judge, Family Court, Patiala House Courts, New Delhi**[3], in CS No. 02/2026, titled *Alok Kumar v. Nishi Singh*, whereby the application filed by the Respondent under Order XXXIX Rules 1 and 2 of the CPC, was allowed and the Appellant was restrained from entering the premises bearing No. **F-0-4, Altinho, Panaji, Goa**[4], allotted in the name of the Respondent, and from posting or

[1] CPC
[2] Impugned Order
[3] learned Family Court
[4] subject premises

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publishing any incriminating material against him on social media platforms, including WhatsApp, YouTube and Instagram, during the pendency of the suit.

2. The challenge in the present Appeal primarily concerns the grant of the aforesaid interim injunction in the backdrop of the subsisting matrimonial relationship between the parties, the nature of the premises in question, and the competing claims advanced by them with respect to their matrimonial discord and the Appellant's entitlement to enter the subject premises.

BRIEF FACTS:

3. The Appellant and the Respondent are legally wedded spouses and have children from their marriage. The Respondent is an IPS officer presently posted as the **Director General of Police**[5], Goa, and has been allotted the subject premises, which he claims to use as his official residence-cum-office. The Respondent has also been allotted government accommodation at D-1/75, Rabindra Nagar, near Khan Market, Lodhi Road, New Delhi, where the parties had earlier resided along with their children and which is presently in the occupation of the Appellant.

4. The parties have been residing separately since February 2024, and several matrimonial disputes and proceedings are stated to be pending between them. The Respondent instituted CS No. 02/2026 before the learned Family Court, seeking, *inter alia*, injunctive relief against the Appellant in relation to alleged acts of harassment and the publication of material concerning him.

[5] DGP

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Signing Date:19.11.2026 15:01:15

5. In his **Application under Order XXXIX Rules 1 and 2 CPC**[6], the Respondent asserted that the Appellant had visited the subject premises at Goa in November 2025 and had levelled allegations against him in the presence of his staff and other officials. He contended that such conduct caused him mental distress and adversely affected his reputation and his ability to discharge his official duties.

6. The Appellant contested the Application. She disputed the Respondent's allegations and contended that the matrimonial discord was, *inter alia*, attributable to his alleged extra-marital relationship. She further asserted that the subject premises at Goa had also been used by the parties as a shared residence and that she could not be restrained from entering what she claimed to be her matrimonial home merely because the Respondent was posted there. The rival allegations concerning the parties' conduct and the alleged extra-marital relationship were disputed and, as noted by the learned Family Court, were matters requiring consideration at trial.

7. By the Impugned Order, the learned Family Court held that the Respondent had made out a *prima facie* case for interim protection. It observed that the Respondent's official responsibilities as the head of the police department in Goa required a conducive working environment and that interference with his residence-cum-office could affect the discharge of his duties. Relying, *inter alia*, on the decision in ***Reena Grover v. Ramesh Grover and Ors.***[7], the learned Family Court further reasoned that the availability of alternative accommodation to the Appellant weighed against permitting her re-entry into the subject premises at Goa.

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[6] Application
[7] 2026 SCC OnLine Del 512

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8. Accordingly, the learned Family Court restrained the Appellant and her relatives from entering the aforesaid premises at Goa and further restrained the Appellant from posting or publishing incriminating material against the Respondent on social media platforms, including WhatsApp, YouTube and Instagram, during the pendency of the suit.

9. Aggrieved by the aforesaid directions, the Appellant has preferred the present Appeal.

SUBMISSIONS ON BEHALF OF THE APPELLANT:

10. Learned counsel for the Appellant would submit that the Impugned Order suffers from an erroneous exercise of discretion, inasmuch as the learned Family Court has imposed a blanket restraint upon the Appellant without adequately considering her asserted right to access the subject premises at Goa, which she claims to be a shared household.

11. Learned counsel would contend that the learned Family Court failed to appreciate the Appellant's allegations concerning the Respondent's alleged extra-marital relationship and the presence of the said third party at the subject premises. It would be submitted that the Appellant's concerns arise from the circumstances of the matrimonial discord and cannot be dismissed without proper consideration. The Appellant would further contend that the Respondent's position as DGP, Goa, warrants adherence to the standards of integrity, propriety and conduct prescribed for members of the All India Services.

12. It would further be submitted that the subject premises had been used as a family residence, where the Appellant had resided, and the parties had performed religious ceremonies and family functions. The

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Signing Date:19.11.2026 15:01:15

learned Family Court, according to the Appellant, failed to adequately consider these circumstances while relying upon the availability of alternative accommodation at Delhi to deny her access to the premises.

13. Learned counsel would further submit that the learned Family Court failed to appreciate that the Respondent had not specifically sought an injunction restraining the Appellant from entering the Goa premises, a fact expressly recorded in the Impugned Order itself. It would be contended that the grant of such relief, despite the absence of a specific prayer, reflects non-application of mind and warrants interference of this Court.

14. It would also be urged that the learned Family Court failed to properly assess the principles governing temporary injunctions, particularly the *prima facie* case, balance of convenience and irreparable injury. The Appellant would contend that the Respondent failed to establish any immediate or irreparable injury warranting the complete exclusion of the Appellant, and that the Impugned Order has caused grave prejudice to her rights, dignity and status as the Respondent's legally wedded wife.

15. Learned counsel would further submit that the Impugned Order has adversely affected the family, including the parties' children, and that the Respondent is allegedly relying upon the injunction to prevent their access to the Goa premises as well. It would be contended that the learned Family Court failed to consider the resulting emotional and psychological consequences and the broader family circumstances placed before it.

16. It would accordingly be submitted that the Impugned Order is arbitrary and inequitable, having failed to adequately consider the

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BHATIA
Signing Date:19.11.2026
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material circumstances, the comparative hardship between the parties and the limited nature of the relief sought by the Respondent.

17. Learned counsel would, therefore, pray that the Impugned Order be set aside.

SUBMISSIONS ON BEHALF OF THE RESPONDENT:

18. Learned counsel for the Respondent would support the Impugned Order and submit that the learned Family Court has duly considered the rival submissions and the material placed on record before granting the interim injunction. It would be contended that the Impugned Order reflects a proper application of mind to the circumstances of the case and the settled principles governing the grant of temporary injunctions.

19. Learned counsel would submit that the Respondent, being the DGP, Goa, is required to discharge sensitive official responsibilities and that the premises in question serve as his official residence-cum-office. It would be contended that the learned Family Court rightly considered the necessity of maintaining a conducive environment for the discharge of his official duties and the potential disruption arising from the conduct alleged against the Appellant.

20. It would further be submitted that the Appellant's allegations concerning the Respondent's alleged extra-marital relationship are disputed and are matters for adjudication at trial. Such allegations, according to the Respondent, cannot confer upon the Appellant an unconditional right to enter the subject premises, particularly when alternative accommodation is available to her in Delhi. Learned counsel would submit that the learned Family Court rightly considered this aspect while relying upon ***Reena Grover*** (supra).

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Signing Date:19.11.2026 15:01:15

21. Learned counsel would further contend that the Appellant's submission regarding the absence of a specific prayer for restraining her entry into the Goa premises does not warrant interference with the Impugned Order, particularly since the issue was canvassed by both sides and the learned Family Court has expressly recorded its reasons for considering the same.

22. It would also be submitted that the restraint concerning social-media publications was necessary to protect the Respondent against the alleged harassment and damage to his reputation during the pendency of the suit. The learned Family Court, according to the Respondent, was justified in granting interim protection in view of the allegations and circumstances placed before it.

23. Learned counsel would accordingly submit that the Impugned Order suffers from no illegality or material infirmity warranting interference. It would be contended that the learned Family Court has appropriately balanced the competing interests of the parties and exercised its discretion judiciously.

24. Learned counsel would, therefore, pray that the present Appeal be dismissed and the Impugned Order be upheld.

ANALYSIS:

25. This Court has heard learned counsel for the parties and, with their able assistance, perused the material on record, including the Impugned Order.

26. At the outset, it is necessary to delineate the scope of the jurisdiction exercised by this Court in the present Appeal. The Impugned Order has been passed by the learned Family Court in exercise of its discretion under Order XXXIX Rules 1 and 2 of the CPC. An order granting or refusing an injunction under the aforesaid

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BHATIA
Signing Date:19.11.2026
15:01:15

provisions is appealable under Order XLIII of the CPC. The present proceedings, therefore, constitute an exercise of appellate jurisdiction against an interlocutory discretionary order.

27. The nature of such jurisdiction, however, is distinct from the jurisdiction exercised by the Court of first instance while considering an application for interim injunction. The appellate court is not required to substitute its own discretion merely because, upon an independent consideration of the material, it may be possible to arrive at another view.

28. The parameters governing appellate interference with an order granting or refusing interlocutory relief have been authoritatively settled by the Supreme Court in ***Wander Ltd. v. Antox India (P) Ltd.***[8].

29. In ***Wander*** (supra), the Hon'ble Supreme Court held that an appeal against the exercise of discretion in relation to an interlocutory injunction is an appeal on principle. The appellate court would not ordinarily interfere with the discretion exercised by the Court of first instance and substitute its own discretion, unless such discretion is shown to have been exercised arbitrarily, capriciously or perversely, or the Court below has ignored the settled principles governing the grant or refusal of interlocutory injunctions.

30. The Hon'ble Supreme Court further cautioned that the appellate court ought not to reassess the material merely with a view to arriving at a conclusion different from that reached by the Court below, where the conclusion arrived at is a reasonably possible one on the material available.

31. The aforesaid principle has subsequently been reiterated by the Supreme Court, including in ***Mohd. Mehtab Khan v. Khushnuma***

[8] 1990 SCC OnLine SC 490

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By:HARVINDER KAUR
BHATIA
Signing Date:19.11.2026
15:01:15

Ibrahim Khan[9], wherein it was emphasised that the mere availability of another possible view cannot, by itself, justify appellate interference with the exercise of discretion under Order XXXIX CPC. Recently, the aforesaid principles have been considered and reiterated by the Hon'ble Supreme Court in ***Ramakant Ambalal Choksi v. Harish Ambala Choksi & Ors.***[10]**.**

32. The Supreme Court, after considering ***Wander*** (supra) and the subsequent authorities, reiterated that an appellate court, while exercising jurisdiction under Order XLIII of the CPC, is required to adjudicate upon the validity of the order granting or declining interim injunction within the settled contours governing such jurisdiction.

33. The jurisdiction of this Court in the present Appeal must, therefore, be exercised within the aforesaid parameters. This Court is not required to determine, at this interlocutory stage, whether the case of either party would ultimately succeed at trial. The enquiry is confined to examining whether the learned Family Court, while granting the interim injunction, exercised its discretion in accordance with the settled principles governing such relief and whether the conclusion arrived at is one which could reasonably have been reached on the material available before it.

34. At the same time, the aforesaid limitation does not denude this Court of its appellate jurisdiction. Where the discretion exercised by the Court below is found to be arbitrary, capricious or perverse, where relevant considerations have been ignored or irrelevant considerations have been taken into account, or where the settled legal principles governing the grant of interlocutory injunction have not been properly

[9] (2013) 9 SCC 221
[10] 2024 SCC OnLine SC 3538

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By:HARVINDER KAUR BHATIA
Signing Date:19.11.2026 15:01:15

applied, this Court would be justified in interfering with the Impugned Order.

35. The question, therefore, is not whether this Court may have arrived at a different conclusion, but whether the exercise of discretion by the learned Trial Court falls within the permissible bounds of appellate review. The relevant findings recorded by the learned Family Court, insofar as they bear upon the issues arising for consideration in the present Appeal, are extracted hereunder:

> "The present application U/o XXXIX Rule 1 & 2 CPC has been moved by plaintiff for grant of interim injunction against respondent/defendant, her agent, relatives etc. from contacting, approaching, harassing, defaming, plaintiff or his family members, directly or through social media, telephone etc.
> The application has been contested by respondent by filing written reply.
> 2. I have heard the arguments of Mr. Amit Awasthi, Ld. Counsel for plaintiff and Mr. U.S. Gautam, Ld. Counsel for defendant.
> 3. Ld. Counsel for plaintiff has submitted that plaintiff who is an IPS officer of UT Cader, has been posted as Director General of Police, Goa. It has been further submitted that plaintiff has been allotted official bunglow -cum-camp office bearing no F-0-4, Alatinho, Panji, Goa. It has been further submitted that due to matrimonial discord, plaintiff and defendant are residing separate since February, 2024. It has been further averred that defendant in the month of November, 2025 has suddenly reached at residence cum office of plaintiff at Goa, and in the presence of entire staff viz. Drivers, PSOs, and other police officials has leveled false allegations of adultery etc. against plaintiff and plaintiff has reported the incident to local police of Goa and in respect of the same, GD entry was recorded at PS, Panjim. If has been further submitted that due to matrimonial disputes, the defendant used to level false allegations against plaintiff which causes mental agone to him and also lowers his reputation in the eyes of his colleagues, subordinates and political bosses. It has been further submitted that defendant may be restrained from visiting residence cum bungalow allotted at Goa and also restrain defendant from publishing false stories related to plaintiff on you-tube, instagram etc. On this account, it has been submitted that at present the plaintiff is residing at aforesaid address at Goa, whereas defendant is residing at D-1/75, Rabinder Nagar, near Khan Market, Lodhi Road, Delhi, in another Government accommodation allotted to plaintiff.
> 4. On the other hand, Sh. U.S. Gautam, Ld. Counsel for defendant submitted that plaintiff has illicit affairs with an another lady and

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By:HARVINDER KAUR BHATIA
Signing Date:19.11.2026 15:01:15

this fact has been told by plaintiff himself to his colleagues, relatives etc. It has been further submitted that said lady used to visit or is brought by plaintiff to his official residence at Goa. The said illicit relations of plaintiff are causing mental distress to defendant as well as her children. It has been further submitted that on one occasion, the said lady had created scene at the residence of plaintiff at Goa and threatened the plaintiff to implicate him false case. When defendant came to know, she immediately rushed to Goa in support of her husband ie, plaintif. It has been further submitted that even otherwise the defendant cannot be restrained from entering her own matrimonial home because with posting of plaintiff at Goa, the house allotted to him by the Government is definitely a shared house and no such injunction can be granted. It has been further submitted that even otherwise both parties earlier resided together alongwith children at Government accommodation at Panji. Inter alia, on the basis of these submissions, prayer has been made to dismiss the application.

5. Arguments of La. Counsel for both parties heard at length. Matérial perused.

Before proceeding ahead here it is necessary to mention that in the present application the plaintiff has not specifically prayed to restrain the defendant or her relatives etc. from entering his office cum-residence at Goa. However, Id. Counsel for both parties have mainly argued on this score and the plaintiff has mentioned this fact in detail in plaint, hence, inter alia, this aspect has also been considered while disposing of present application.

6. For ready reference, Section 7 of Family Courts Act, is reproduced as under: -

> *7. Jurisdiction.-(1) Subject to the other provisions of this Act, a Family Court shall-*
> *(a).*
> *(b)*
> *(c)..*
> *(d) a suit or proceeding for an order or injunction in circumstance arising out of a marital relationship; d. A suit or proceeding for an order in circumstances arising out of marital relationship.*

From the plain reading of clause 7(1)(d), inter alia, injunction can be granted if any dispute arises out of marital relationship.

On this aspect, the findings of judgment in case **Arvind Kumar Sharma vs Vineeta Sharma and Anr., (2013) 10 SCC 541**, are also squarely applicable.

7. Reverting to the present matter, the husband-wife relationship between plaintiff and defendant is admitted fact and certain disputes in the instant case has arisen out of their marital relationship. Further, the date of marriage, birth of children etc. is undisputed. Further from pleadings of parties, it reflects that parties are involved in bitter matrimonial friction due to which relationship between parties deteriorated.

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By:HARVINDER KAUR BHATIA
Signing Date:19.11.2026 15:01:15

As matter of fact, number of litigations viz. DV matter, divorce case, maintenance petition U/s 144 BNSS are pending. The pleadings of parties further reflect that even certain complaints have been made to the Police. The complaint dated 17.11.2025 has been filed by plaintiff against defendant at PS, Panjim, Goa, wherein inter alia, it has been mentioned that defendant suddenly came to his residence at Panjim and started abusing him in filthy language in presence of his personal staff and leveled false allegations of adultery etc. against him. This complaint was duly received at PS, Panjim because it bears the stamp of the said police station. By way of present application, plaintiff has prayed for temporary injunction against defendant.

For the purpose of grant of temporary injunction, the Court is required to consider,

i) Prima facie, of matter,

ii) balance of convenience, and

iii) irreparable loss.

In respect to, prima facie, it is not disputed that plaintiff is an IPS Officer, posted as DGP, Goa and has been allotted residence-cum-office bearing no. F-0-4 Altinho, Panji, Goa, Further as per pleadings of parties, plaintiff has also been allotted government accommodation at D-1/75, Rabinder Nagar, near Khan Market, Lodhi Road, Delhi, where earlier the plaintiff and defendant alongwith their children were residing, and at present it is in occupation of defendant. This fact has not been specifically denied by the defendant in written statement. Meaning by one fact remained on record that plaintiff has been allotted two government accommodations, one at Rabinder Nagar, New Delhi and another at Panji, Goa which plaintiff claims to be his office-cum-rysidence. It is undisputed that plaintiff has been posted as DGP of Goa.

The plaintiff being head of police department of Goa needs conducive atmosphere to discharge his duties efficiently, inter alia, for public good and to maintain law and order. In case, plaintiff is mentally disturbed due to behavioral problem of his wife as alleged in present matter, it will certainly affect output of his duties.

Hence, it is found that plaintiff has, prima facie, material lies in his favor. Accordingly, balance of convenience also lies in his favor.

Further it is found that in case the defendant is not restrained from entering residence-cum-office of plaintiff at Goa, and from publishing any material on social media/platform i.e. you-tube, instagram etc. then the plaintiff will not be able to discharge his official duty efficiently and irreparable loss may not only be accrued to plaintiff, but it may also affect the interest of concerned public as well as the police machinery of Goa.

In respect to the contention of Ld. Counsel for plaintiff that matrimonial litigation initiated by defendant are not genuine, or that their family life has been disturbed due to act of defendant, and the contention of Ld. Counsel for defendant that plaintiff has any extra marital relations etc. is matter of trial which can be

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Signing Date:19.11.2026 15:01:15

considered only after parties are allowed to lead evidence in support of their contentions.

On score of separate residence, in case **Reena Grover vs Ramesh Grover and ors, 2026 SCC Online Del 512**, Hon'ble High Court of Delhi, has, inter alia, held as under :-

> *Applying the above facts and law, the premises at Green Park, though previously occupied by the petitioner after marriage, do not qualify as a "shared household" in presenti under Section 2(s) of the DV Act, as the petitioner voluntarily and consciously shifted in April 2023 to an alternate residence at Safdarjung Enclave, where she has since established her settled residence and continues to have shelter. Consequently, the alleged denial of re-entry into the Green Park premises does not, in the facts of the case, constitute domestic violence in the nature of economic abuse, since there was no forcible dispossession, coercion, or rendering of the petitioner roofless. Therefore, in view of the availability of suitable alternate accommodation of the same standard and the discretionary and protective nature of relief under Section 19, the petitioner is not entitled to a residence order directing restoration or re-entry into the Green Park property.*

In view of this judgment, in case alternative accommodation is available to wife, she may not be allowed to re-enter the shared house.

In the matter in hand, it is admitted fact that house situated at Delhi allotted in the name of plaintiff was earlier shared house of parties. Here for the sake of arguments, even the fact that house allotted to plaintiff at Goa was shared by both parties, even then the defendant cannot claim re-entry to the said house at Goa. Under these circumstances, she cannot claim to re-enter house at Goa, as matter of right.

8. In the light of above discussion, the defendant, her relatives etc. are restrained from entering House no. F-0-4, Altinho, Panaji, Goa-403001, allotted in the name of plaintiff and further restrained to put any incriminating material against plaintiff on social media viz. Whatsapp, you-tube, Instagram etc. till disposal of the suit. IA stands disposed of accordingly."

36. The aforesaid findings of the learned Family Court would have to be examined in the backdrop of the limited scope of appellate interference in an interlocutory order. As noticed hereinabove, this Court is not sitting in appeal over the ultimate merits of the matrimonial disputes between the parties. The allegations levelled by

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Signing Date:19.11.2026 15:01:15

either side, including the allegations concerning the alleged extra-marital relationship, are matters which would require adjudication upon the parties leading evidence in the pending proceedings. The question before this Court is narrower, namely, whether the learned Family Court, on the material available before it, could reasonably have arrived at the conclusion that interim protection was warranted.

37. The fact that the parties are husband and wife and that the subject premises had, at an earlier stage, been used by them as a family residence, by itself, cannot result in an absolute and indefeasible right in favour of the Appellant to enter the premises in question in all circumstances. The present case is not one where the Appellant is sought to be rendered without any residential accommodation. It is an admitted position that the Appellant is presently residing in the Government accommodation at D-1/75, Rabindra Nagar, New Delhi, which had earlier been occupied by the parties and their children. The prime concern in such matters is to ensure that the spouse is not relegated to a circumstance where she is left without a roof over her head. Admittedly, such is not the case. The Petitioner currently resides in a government accommodation which constitutes a shared household. It is not her case that she has no shelter or a place to reside. It is the Appellant's grievance that the Respondent is carrying on what, according to her, is a life of adultery and possible debauchery and that the injunction, as granted, would permit the Respondent to continue to live an adulterous life/ life of debauchery and is canvassed as the prime reason for setting aside the same. These contentions are to be adjudicated on merits and form the core of the matrimonial disputes between the parties. To interfere at this stage would essentially be putting the cart before the proverbial

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BHATIA
Signing Date:19.11.2026
15:01:15

horse, with the Court entering into the core issues raised on the merits of the accusations and allegations.

38. In the exercise of its jurisdiction at this stage, the learned Family Court had to, *inter alia,* strike a fair balance of competing interests of the two parties, considering the bitter acrimony that persists. This Court is of the opinion that the learned Family Court, in the exercise of its discretionary jurisdiction, has not failed to do so.

39. More importantly, the subject premises at Goa stand on a distinct footing. The Respondent is presently posted as the DGP, Goa, and the subject premises have been allotted to him as his official residence-cum-office. The learned Family Court has taken note of the nature of the Respondent's official responsibilities and the fact that the premises are being used in connection with the discharge of his official functions. The finding that the Respondent, in his capacity as the head of the police department of Goa, requires a conducive environment for the discharge of his official duties cannot, in the circumstances of the present case, be characterised as an irrelevant consideration.

40. The Appellant would contend that the aforesaid premises were also used by the parties as a shared residence and that such use confers upon her a right to enter the same. Even assuming, for the purposes of the present interlocutory proceedings, that the premises had at an earlier point of time been used by the parties jointly, the same would not, in the facts of the present case, justify interference with the discretionary order passed by the learned Family Court. The material on record discloses that the parties have been living separately since February 2024 and that the matrimonial relationship has deteriorated

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By:HARVINDER KAUR
BHATIA
Signing Date:19.11.2026
15:01:15

to the extent that several proceedings and complaints are pending between them. The learned Family Court was, therefore, entitled to take into consideration the present state of affairs between the parties while determining whether immediate interim protection was warranted.

41. The reliance placed by the learned Family Court upon the availability of alternative accommodation to the Appellant also cannot be said to be misplaced. The decision in ***Reena Grover*** (supra)**.**, relied upon by the learned Family Court, recognises, in the context of the facts obtaining therein, the relevance of settled alternate accommodation while considering a claim for re-entry into premises which had previously been occupied as a matrimonial residence. The said decision has not been relied upon for the proposition that a spouse can, in every case, be denied access to a matrimonial residence merely because another accommodation is available. Rather, the learned Family Court has considered the availability of alternate accommodation as one of the circumstances bearing upon the balance of convenience in the peculiar facts of the present case.

42. The Appellant would further contend that the Respondent had not specifically sought an injunction restraining her from entering the Goa premises. This contention, though not without substance as regards the manner in which the relief was framed in the Application, does not, in the facts of the present case, warrant setting aside the Impugned Order. The learned Family Court has expressly noticed this aspect and recorded that although a specific prayer in those terms had not been made, the issue had been argued at length by both sides and the Respondent had referred to the said relief in the plaint. The

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By:HARVINDER KAUR
BHATIA
Signing Date:19.11.2026
15:01:15

Appellant, therefore, had notice of the relief being canvassed and had, in fact, advanced substantive submissions opposing the same. The exercise of jurisdiction by the learned Family Court cannot consequently be characterised as having been undertaken behind the back of the Appellant or without affording her an opportunity to address the issue.

43. The Court is also unable to accept the submission that the learned Family Court failed to apply the settled principles governing the grant of temporary injunction. The Impugned Order expressly considers the existence of a *prima facie* case, the balance of convenience and the possibility of irreparable injury. The learned Family Court has thereafter correlated these principles with the particular circumstances of the case, including the Respondent's official position, the nature of the premises, the subsisting matrimonial discord, the incident alleged to have occurred in November 2025 and the availability of alternative accommodation to the Appellant.

44. It is significant that the learned Family Court has not, at this interlocutory stage, returned any final finding on the truth or falsity of the allegations exchanged between the parties. On the contrary, the Impugned Order expressly records that the allegations of an extra-marital relationship, as well as the Appellant's allegations concerning the matrimonial proceedings, are matters which would have to be considered upon the parties leading evidence. The Court has thus consciously refrained from adjudicating upon the merits of the matrimonial dispute while considering the limited question of interim protection.

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By:HARVINDER KAUR
BHATIA
Signing Date:19.11.2026
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45. The same approach would apply to the direction concerning publication of material on social-media platforms. The Impugned Order does not constitute an adjudication upon the truth of the allegations raised by either party. The restraint has been granted during the pendency of the suit, in the context of the Respondent's allegation that material concerning him was being published and that such conduct was causing prejudice to his reputation and interfering with the discharge of his official responsibilities. At this stage, the Court is concerned only with the propriety of the interim protection granted by the learned Family Court and not with determining the truthfulness of the underlying allegations.

46. The Appellant's submission that the Impugned Order has the effect of curtailing her dignity and status as the Respondent's legally wedded wife also cannot, by itself, displace the discretionary determination made by the learned Family Court. The fact of the subsisting matrimonial relationship is not in dispute. However, matrimonial status, though relevant, cannot be treated as determinative of every question concerning access to premises or conduct between estranged spouses, particularly where the parties are admittedly living separately and are engaged in multiple proceedings arising from their matrimonial discord.

47. In this context, the submission that the Impugned Order has prejudicially affected the children also does not furnish a ground for appellate interference. The order under challenge is directed against the Appellant and her relatives in respect of the specified premises and against publication of the specified material. No independent adjudication concerning the children's residential or other substantive

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Signing Date:19.11.2026 15:01:15

rights has been undertaken by the learned Family Court. Needless to say, any question concerning the welfare or rights of the children, if independently raised in appropriate proceedings, would have to be considered in accordance with law.

48. This Court is conscious that another view may possibly be taken on some of the factual considerations which weighed with the learned Family Court. However, that by itself is insufficient to warrant appellate interference. The jurisdiction under Order XLIII Rule 1(r) CPC does not permit the appellate Court to substitute its own discretion merely because it may consider another view to be preferable. Unless the discretion exercised by the Court below is shown to be arbitrary, capricious, perverse or contrary to settled principles, the same is required to be respected.

49. Tested on the aforesaid parameters, the Impugned Order cannot be said to suffer from any such infirmity. The learned Family Court has considered the rival submissions, noticed the admitted circumstances, taken into account the nature of the Respondent's official responsibilities, considered the availability of alternative accommodation to the Appellant and applied the settled requirements governing temporary injunctions. The conclusion arrived at by the learned Family Court is, at the very least, a reasonably possible view on the material available before it.

50. It is, therefore, not for this Court, in exercise of appellate jurisdiction against an interlocutory discretionary order, to re-weigh the material and substitute its own assessment for that of the learned Family Court. The present case does not disclose any failure to

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exercise jurisdiction, perversity in the findings, or disregard of the settled principles governing interim injunctions.

CONCLUSION:

51. Consequently, this Court finds no ground to interfere with the Impugned Order passed by the learned Family Court.

52. The Impugned Order is accordingly affirmed, and the present Appeal, along with pending applications, if any, stands dismissed.

53. It is clarified that the observations contained herein are confined to the adjudication of the present Appeal against the Impugned Order and shall not be construed as an expression of opinion on the merits of the matrimonial disputes between the parties, including the allegations concerning the alleged extra-marital relationship, which shall be adjudicated by the learned Family Court independently in accordance with law.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 18, 2026/jk

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