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

\# **CNR No. DLHC010494022026**

\+ FAO 338/2026, CM APPLs. 71209-10/2026

SHRI HARDEEP KUMAR SAINI .....Appellant

Through: Mr. Rajesh Kumar, Advocate

versus

SHRI HARISH KUMAR BHASIN & ANR.....Respondents

Through: Mr. Ranjeet Pandey, SC, MCD
Mr. P.S. Bindra, Senior Advocate with Mr. Bhuvneshwar Tyagi, Advocate for respondent no.1

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

O R D E R

% 12.10.2026

1. By way of the present appeal filed under Order 43 Rule 1 (r) read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as the "CPC"), the appellant seeks to assail the order dated 18.04.2026 passed by learned District Judge-16, Central District, *Tis Hazari* Courts, *Delhi* in CS DJ No.220/26 whereby an application filed by the appellant under Order XXXIX Rule 1 and 2 read with Section 151 CPC filed by the appellant seeking *ex parte* injunction against the respondents came to be dismissed.

2. The appellant, who was the plaintiff before the Trial Court, instituted the underlying suit seeking possession, declaration, permanent and mandatory injunction in respect of property bearing

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No. 10367-69, *Gali Pathshala Wali, Manakpura, Karol Bagh*, New *Delhi*-110005 (hereinafter referred to as the "suit property"). The appellant traces his claim to a registered sale deed dated 27.06.1905 executed by Shri *Irtiza Khan* and Shri *Mustafa Khan* in favour of Shri *Manak Chand*. The property is stated to have subsequently devolved upon Shri *Om Prakash Saini* and, upon his demise, upon his legal heirs. The appellant claims exclusive ownership by virtue of a registered relinquishment deed dated 19.10.2015 executed in his favour by his siblings, relinquishing their respective undivided shares in the suit property. The appellant's case is that Smt. *Lajwanti*, wife of Shri *Parma Nand*, had been inducted as a tenant in the suit property and that Shri *Parma Nand* continued in occupation as a tenant after her demise. The appellant disputes the rival chain of title comprising an alleged relinquishment deed dated 19.04.1991 in favour of Shri *Parma Nand*, a sale deed dated 23.12.1993 in favour of Shri *Amar Nath Gogia* and a subsequent sale deed dated 16.10.2025 executed by the legal heirs of Shri *Amar Nath Gogia* in favour of respondent No. 1, Shri *Harish Kumar Bhasin*. According to the appellant, the aforesaid documents do not confer any right, title or interest in the underlying land upon respondent No. 1.

3. Alleging that respondent No. 1 had commenced construction in the suit property and was attempting to create third-party rights therein, the appellant lodged a complaint dated 12.02.2026 before the concerned authorities of the Municipal Corporation of *Delhi* (MCD). The appellant thereafter instituted the underlying suit and sought interim protection against further construction and creation of third-

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party rights.

4. Before this Court, learned counsel for the appellant submits that the appellant claims ownership of the underlying land on the basis of the aforesaid chain of documents, whereas the documents relied upon by the respondents, according to the appellant, pertain only to the structure standing thereon. It is further submitted that the documents relied upon by the respondents themselves recognise the appellant's claim in respect of the land and, therefore, the respondents cannot claim a better title than that of their predecessor-in-interest. Learned counsel submits that respondent No. 1 is carrying out construction in the suit property and that interim protection was warranted in the facts and circumstances of the case.

5. *Per contra*, Mr. *Bindra*, learned Senior Counsel appearing for respondent No. 1, disputes the aforesaid submissions and submits that the respondents are the lawful owners of the land as well as the structure standing thereon. He further submits that, after dismissal of the application by the Trial Court, the appellant approached the MCD seeking restraint against the construction being carried out in the suit property. The said proceedings are stated to be pending consideration before the Appellate Tribunal, MCD (ATMCD), and no interim stay has been granted therein so far. On instructions, learned Senior Counsel further submits that, subject to the outcome of the appeal pending before the ATMCD, respondent No. 1 undertakes not to claim any special equity in respect of the construction carried out in the suit property.

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6. In view of the aforesaid submissions and the undertaking recorded hereinabove, the appeal along with the pending applications is disposed of.

MANOJ KUMAR OHRI, J

OCTOBER 12, 2026/*rd*

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