

4, CS 663/25
Sh Kishor Kumar Vs. Smt Sunita

20.07.2026

Present: Sh. Manoj Kumar, Ld. Counsel for the plaintiff with
plaintiff.

None appeared for defendant.

Be awaited.

(Ravinder Singh-I)
District Judge-03
East District, KKD Courts,
Delhi, 20.07.2026

At 12:30 p.m.

Present: As before.

Inspite of calls and waiting, none appeared for defendant.

It is noted that summons have been served upon the defendant for her appearance on 19.05.26, but none has appeared on her behalf either on 19.05.26 or thereafter till date. Hence, **defendant is hereby proceeded exparte.**

Ld. Counsel for the plaintiff presses for disposal of application under Order XXXIX Rules 1 & 2 CPC.

Heard on aforesaid application. Case file perused.

Plaintiff claimed that he was married with defendant on 19.05.1992. They are blessed with two children i.e. a son and daughter. He further stated that unfortunately, his son was expired in April, 2011

and now they have only a daughter who is about 25 years of age. He further stated that while his relation with the defendant was cordial, he had purchased a flat situated at 2nd floor of property bearing no.6, Khasra No.18/1/28, Block-D, Bungalows Pandav Nagar, Gharonda Neem ka Bangar, Patparganj Illaqa Shahdara, Delhi-91 (hereinafter referred as the suit property) for a valuable consideration of Rs.17,00,000/- from Ms. Mamta Bharadwaj vide sale deed dated 17.03.2020 which was duly registered on 18.03.2020.

Further, plaintiff stated that defendant has no source of income, so, there was no contribution on her part whereas he had taken a home loan to purchase a suit property and now he is regularly paying the EMI. Defendant further stated that after sometime of purchase of suit property, the behaviour of defendant was drastically changed and she started threatening him and his family member to implicate in false and fabricated cases. Defendant got registered a false FIR bearing 75/2023 with PS Transport Nagar on 04.03.2023 and she also filed a petition u/s 125 [Cr.PC](#) against him. Plaintiff further stated that he recently came to know that defendant is trying to sale the suit property. Accordingly, plaintiff prayed for ad-interim injunction for restraining defendant and her agents from creating third party interest in the suit property.

Record reveals that plaintiff filed loan documents of Magma Housing Finance and he also attached his bank statement of SBI showing the transfer of amount of Rs.9,60,000/- in the account of Ms. Mamta Bharadwaj.

The plaintiff has been able to show *prima-facie* case in his favour and so, balance of convenience also goes in his favour. If, the

present application is not allowed, the plaintiff shall suffer irreparable loss.

In view of the above and after considering the submissions made by the Ld. Counsel for the plaintiff as well as the facts as mentioned in the application, the application under Order XXXIX Rule 1 and 2 CPC filed on behalf plaintiff is hereby allowed.

Accordingly, defendant is restrained from causing any kind of interference and disturbance in peaceful possession of the plaintiff and/or creating any third party interest in respect of suit property till the disposal of present suit.

Application under Order XXXIX Rules 1 & 2 CPC stands disposed off accordingly.

List this case for exparte P.E. on **07.09.2026**.

(Ravinder Singh-I)
District Judge-03
East District, KKD Courts,
Delhi, 20.07.2026