

CS DJ 419/26 Mamta Anchal vs. Mukesh Anchal

04.06.2026.

Present: Mr. Shobhit Gupta, Ld. Counsel for the plaintiff.

Heard.

Issue summons for settlement of issues of the present suit and notice to application u/o 39 Rule 1 & 2 CPC to the defendants on filing of PF (within one week), Speed Post & AD, returnable for 24.09.2026. Report obtained from internet in respect of the service to defendants through Speed Post be placed on record by the counsel for the plaintiffs.

At this stage, Ld. Counsel for the plaintiff presses for ad-interim injunction thereby restraining defendants from selling, transferring, alienating, disposing off or creating any 3rd party interest in the following properties and also restraining them from changing the existing position and condition of the these properties as per the title and possession ;

1. Property bearing No. 81-C, 1st Floor, Gali Jain Mandir, Behind NDPL Power Station, Delhi-110009.
2. Property bearing No. 81-C, Ground Floor, Village Rajpura Chhaoni, State Bank Colony, Near Gurudwara Nank Piau, Delhi-110009.

Heard. Record is perused.

It is categorically stated that the apprehension of dispossession is existing since plaintiff has come to know that defendant Nos. 1 and 2 availed a loan facility from HBD Financial Services by creating encumbrance over the suit properties and the said loan account

was subsequently taken over/assigned to 'Edelweiss Asset Reconstruction Company Limited' pursuant to which a possession letter came to be issued in respect of the suit properties. So, The possession of the plaintiff in respect of the suit properties needs to be protected. But on perusal of the possession notice dated 14.03.2026 already attached by the plaintiff, it is gained that in fact vide this notice, the possession of the suit properties was scheduled to be taken on 01.04.2026 at 11:30 AM and this time/date has already lapsed long back, so no existing apprehension is found. Not only this, this letter itself creates a doubt as to the actual physical possession as on date claimed as lying with the plaintiff which is also otherwise not gained from the record.

Hence, this court neither finds that there are circumstances under which the present suit filed by the plaintiff, is likely to get infructuous if no ad-interim injunction is granted, nor this Court is satisfied that the actual physical possession is lying with the plaintiff. **Hence, the prayer for ad-interim injunction is dismissed.**

(Aanchal)
District Judge-03, Rohini Courts
North District, Delhi
04.06.2026(amt)