

SMT. BHAWNA GOYAL Vs. MANISH BHARDWAJ AND ORS

07.02.2026.

Present: Sh. Archit Arora, counsel for the plaintiff.

Sh. Hari Prakash Sharma, counsel for the defendant
no.1 and 2.

Sh. Sandeep Kumar, proxy Counsel for the defendant
no.3 with Smt. Komal Arora.

Ms. Sana, proxy counsel for the defendant no.4 with
defendant no.4.

Memo of appearance on behalf of the defendant no.4
has been filed today.

It is stated by both the parties that the present matter
is likely to be settled and the present matter may be referred to
Mediation Centre, North District, Rohini Courts, Delhi for
settlement.

**At joint request of both the parties, the present matter
is hereby referred to Mediation Centre, North District, Rohini
Courts, Delhi.**

**Consent proforma, signed by both the parties, is
placed on record.**

**Parties are directed to appear before the Mediation
Centre, North District, Rohini Courts, Delhi on 19.02.2026 at 02.00
p.m. In case of failure of the compromise, the parties shall**

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report back to this court for affidavit of admission/denial of documents, for framing of the issues on 09.06.2026.

ORDER ON THE APPLICATION U/O 39 RULE 1 AND 2 CPC
DATED 12.07.2019 :

1. Counsel for plaintiff presses his application u/o 39 rule 1 and 2 CPC dated 12.07.2019 that no third party interest be created in the suit property during pendency of the suit.
2. The defendants no.3 and 4 have no objection to the prayer of the plaintiff. It is stated that the suit properties were of late Sh. Yogender Bhardwaj who was the absolute and exclusive owner of the same.
3. On query from the court, it has been stated by the parties that the property mentioned in para no.2 (i) is in possession of the defendant no.1. Defendant no.1 is taking rent of property mentioned at para no. 2 (ii) of the plaint. Properties at para no. 2 (iii and iv) have already been sold. Property at serial no.2 (v) is in possession of the defendant no.1.

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SCOPE OF INTERVENTION BY COURT

4. In the case of Gujarat Bottling Co. Ltd. v. Coca Cola Co. reported in 1995 (5) SCC 545, the Hon'ble Supreme Court, while discussing the factors to be considered by the Courts in exercise of the discretion under Order XXXIX Rule 1 & 2 CPC, has held that :

“...The grant of an interlocutory injunction during the pendency of legal proceedings is a matter requiring the exercise of discretion of the Court. While exercising the discretion, the Court applies the following tests:

- (i) Whether the plaintiff has a prima facie case;
- (ii) Whether the balance of convenience is in favour of the plaintiff;
- (iii) Whether the plaintiff would suffer an irreparable injury if his prayer for interlocutory is disallowed....”

APPLYING THE ABOVE CONSIDERATIONS TO FACTS OF PRESENT CASE

5. This court has heard the rival submissions of the parties and perused the relevant record with their assistance. The Court has considered the probability of success in the trial and the comparative strength of the cases of the respective parties before it.

6. The Court has considered that it is not necessary for the plaintiffs to prove his case to the hilt and if a fair question is raised for determination,

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it should be taken that a prima facie case has been established.

7. Counsel for the defendants no.1 and 2 states that properties at serial no. 13 (ii and iii) have already been sold.

8. Remaining defendants have no objection. **It is in interest of justice to preserve the suit property mentioned at serial no.13 (i) during pendency of the suit. Parties are restrained from creating any third party interest in the property mentioned at serial no.13 (i) till disposal of suit.**

9. Application u/o 39 rule 1 and 2 CPC dated 12.07.2019, is disposed off.

(VIKRAM BALI)
DISTRICT JUDGE-2/NORTH/
ROHINI COURT/DELHI/07.02.2026