

CS ADJ 943/2024  
Dinesh Dagar v. Ashish

**16.03.2026**

Present: Sh. Vinod Sehrawat, Ld Counsel for plaintiff.  
Sh. V. S Rana, Ld Counsel for defendant.

**Today the matter is fixed for further arguments on application under Order XXXIX Rule 1 & 2 CPC.**

Arguments heard.

Be put up for orders at 4 PM.

(Abhitosh Pratap Singh Rathore)  
DJ-05 (SW)/Dwarka Courts  
New Delhi: 16.03.2026

At 4 PM

Present: None.

Vide this order, this court shall decide an application under Order XXXIX Rule 1 & 2 CPC moved on behalf of the plaintiff.

The case of the plaintiff, as per the plaint is that he is the joint owner and in possession of the residential property(Subject matter property) Khasra No. 389, ad-measuring one bigha 02 biswa. It is stated that the suit property is the ancestral property and plaintiffs have inherited the suit property through pedigree from their common ancestors. In the year 1988, One late Kehar Singh took the suit property on oral lease of Rs.80 per month as rent from the father of plaintiff no.1 & 2. It is stated that late Kehar Singh was allowed to reside in the front portion of the suit property. It is also stated in the plaint that the whole property was constructed by the respective fathers of the plaintiffs and they also signed the documents in this regard.

It is stated that father of the plaintiff no. 1 & 2 died on 28.06.1997 and father of plaintiff no. 3 to 5 died on 30.05.1998. The son of the late Kehar Singh and husband of defendant no.1 and father of defendant no. 2 & 3 Devinder Singh also passed away. It is stated that defendant became problematic for the plaintiffs after death of late Kehar Singh.

In the WS, filed by the defendant, defendants have taken the defence that their predecessor namely Kehar Singh had purchased and acquired all the rights, title and interest of the property ad-measuring 750 Sq. Yards from his sellers namely Suraj Mal and Azad Singh and he came in actual and settled possession on 12.12.1989. It is stated that suit is based on a 'white lie' and plaintiffs have made false statement despite defendants having title transfer documents in their favor.

Along with the WS, 40 documents have been annexed in which title transfer documents i.e. GPA, Agreement to Sell, Receipt & Affidavit, all dated 12.12.1989, executed by Suraj Mal in Favor of Kehar Singh and Similar documents on the same date executed by Azad Singh in favor of Kehar Singh have been filed.

Arguments heard. Record perused.

Law regarding interim injunction, as it has evolved over decades and stands today is that to obtain relief of temporary injunction, plaintiff has to show;

1. Prima Facie Case in his favor
2. Balance of Convenience in his favor
3. Irreparable damage if relief is not granted.

Perusal of the plaint shows that suit has been filed for eviction, mesne profits and declaration. In the present suit, plaintiff's case is premised on an alleged oral tenancy between his predecessor-in-interest and defendant's

predecessor-in- interest. The initial rent as stated in the plaint was Rs.80/- per month which was subsequently increased to Rs.5,000/- per month. Despite his claim that tenancy has been continuing for last several decades, nothing has been produced by plaintiff that could give even a vague glimmer of evidence of the suggested tenancy. No proof of payment of rent by the predecessor-in-interest of defendant or by the defendant, has been produced. No collateral document or any other contemporaneous document that could show that predecessor-in-interest of defendant was tenant of plaintiff has been produced. Plaintiff himself has stated that defendants were having water connection and electricity connection in their own name. This fact also renders the story of plaintiff implausible as no reasonable person would let his tenant acquire water connection and electricity connection in his own name, particularly when tenancy is undocumented or oral.

Plaintiff by way of present suit is also seeking cancellation of documents which are more than 30 years old and on the basis of which defendant is defending his possession. It is evident that plaintiff will have to establish several disputed questions of facts to even bring the suit within limitation.

Hence, this court is of the considered opinion that there is no prima facie case in the favor of plaintiff. Accordingly, the application under Order XXXIX Rule 1 & 2 CPC is hereby dismissed.

List for further proceedings on **18.05.2026**.

(Abhitosh Pratap Singh Rathore)  
DJ-05 (SW)/Dwarka Courts  
New Delhi: 16.03.2026