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

+ **CS(OS) 431/2020**

SH. PARVEEN PAL BAJAJ,

.....Plaintiff

Through: Mr. Keshav Sehgal, Mr. Shivam Gaur, Mr. Aryan Kumar and Ms. Rashi Singh, Advs.

versus

SHRI SUNIL BAJAJ & ORS.

.....Defendants

Through: Mr. B. S. Dhir and Ms. Suchi Sood, Advs for D-1, 4, 6 and 7. along with D-7 in person.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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28.11.2025

I.A. 14055/2025 (BY PLAINTIFF- FOR INJUNCTION)

1. The suit property was owned by one late Smt. Sobhagya Wati, who died intestate on 01.07.1980. At the time of her death, she was survived by two sons, namely Sh. Surinder Pal Bajaj and Sh. Rajinder Pal Bajaj. The plaintiff and some of the defendants are sons of Sh. Rajinder Pal Bajaj.
2. It is the case of the plaintiff that on 09.04.2003, Sh. Rajinder Pal Bajaj had submitted an application before the Assessor & Collector, Municipal Corporation of Delhi (Special Unit) seeking mutation/transfer of suit property exclusively in his name. As per the plaint, along with the application, he had also filed an affidavit, the GPA, and a "Legal Succession Certificate-cum-Affidavit," claiming that Smt. Sobhagya Wati had left



behind only one son, namely himself, and that there were no other legal heirs, thereby concealing the existence of his elder brother, Sh. Surinder Pal Bajaj.

3. Subsequently, according to the plaintiff, Sh. Rajinder Pal Bajaj in connivance of two of his other sons i.e. defendant no. 4 and 6 has executed two sale deeds in the year 2004 itself.

4. Learned counsel for the plaintiff, therefore, submits that the suit property is a joint family property and upon the death of Sh. Rajinder Pal Bajaj and Sh. Surinder Pal Bajaj, the same will have to be devolved upon the plaintiff and defendants. Therefore, the plaintiff claims 1/14th share therein.

5. The aforesaid submissions are vehemently opposed by learned counsel for the defendants, and he argued that the application is false, frivolous and abuse of the process of law. According to him, there is no right, title or interest in the suit property in favour of the plaintiff. He submits that the plaintiff himself was formally disowned by Sh. Rajinder Pal Bajaj in the year 2019 due to his violent and threatening behaviour and such facts have been concealed by the plaintiff.

6. I have heard learned counsel appearing for the parties and have perused the record.

7. The law with respect to the grant of an interim injunction is fairly settled. This Court in ***Dr. Rashmi Saluja v. Religare Enterprises***¹ has reiterated the well-settled legal principle that no injunction can be granted unless the three essential conditions are satisfied, namely, the existence of a *prima facie* case, the balance of convenience in favour of the applicant, and the likelihood of irreparable injury that cannot be compensated in monetary



terms.

8. Applying the aforesaid principles to the instant case, it is seen that as per the plaintiff's own case, the property in question stood transferred by late Sh. Rajinder Pal Bajaj through two sale deeds executed in the year 2004.

9. Upon examining the overall facts and circumstances, the Court is of the view that unless and until these sale deeds are declared null and void by the Court, there exists no legal impediment restraining the present owners from exercising their rights over the property or utilizing it in accordance with law.

10. *Albeit*, learned counsel for the plaintiff argues that the cause of action arose only upon the demise of the plaintiff's father in 2020, and that the plaintiff promptly instituted the present suit, the said submission cannot be accepted till the ownership of the property remains a disputed question.

11. The plaintiff has neither been able to *prima facie* establish any right whatsoever, in the suit properties, nor satisfy the Court whether the properties in question are joint family properties.

12. Furthermore, since the sale deeds executed in the year 2004 in favour of some of the defendants have been categorically admitted by the plaintiff, the balance of convenience also does not lie in his favour.

13. Moreover, no irreparable injury will be caused to the plaintiff since any further transfer or alienation of the suit property shall remain subject to provisions of Section 52 of the Transfer of Property Act, 1882.

14. The applications stands disposed of.

I.A. 12217/2020 (FOR INJUNCTION)

15. Consequent to the order passed in I.A. 14055/2025, the instant

¹ 2025; DHC: 701



application has been rendered infructuous, and, is accordingly, dismissed.

CS(OS) 431/2020 and I.A. 4330/2021

16. List on 23.01.2026 before the concerned Joint Registrar for taking up further necessary steps in accordance with extant rules.

17. Thereafter, list before the Court on the date to be assigned by the Joint Registrar.

PURUSHAINdra KUMAR KAURAV, J

NOVEMBER 28, 2025

aks/mj