

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2026
[@ SLP (C) NO. 15992 OF 2026]

M/S. HYMARQUE CONSTRUCTIONS
PRIVATE LIMITED

...Appellant(s)

VERSUS

ASIYA BEGUM & ORS.

...Respondent(s)

WITH

CIVIL APPEAL NO(S). OF 2026
[@ SLP (C) NO. 16220 OF 2026]

ORDER

1. Leave granted.
2. These appeals by way of special leave arise out of an interlocutory application filed by the appellants/defendants before the Trial Court for interim injunction. On 28.10.2025, the Trial Court dismissed the interlocutory application. However, by the order impugned before us, the High Court allowed the interlocutory application and directed as under:

"16. The Court is only required to determine the existence of

a prima facie case at the stage of considering the application under Order XXXIX Rules 1 and 2 of The Code of Civil Procedure, 1908 as opposed to examining complex questions of law or fact. 'Prima facie case' means a substantial question raised bona fide which needs investigation and a decision on merits. The Court, at the initial stage, cannot insist upon a foolproof case warranting an eventual decree¹,

17. In this case, there is substance in the argument that title vests with the appellants since there is no transfer of title to the Trust (Jamia Elahia) through any Registered Deed. The Trial Court should also have noticed the other crucial fact of the objectives of the Trust as of 04.08.2023 being described as charitable in nature whereas within 13 days of the registration of the Trust on 17.08.2023, the Trust registered a DAGPA in favour of the respondents/respondent No.11 for commercial/real estate purposes.

18. The above reasons constrain us to hold that the Trial Court failed to notice the suspicious circumstances and the obvious red flags which the appellants brought to the notice of the Trial Court. The documents and circumstances involved serious questions to be tried. Hence, the Trial Court ought to have preserved the suit property from being alienated to third parties till these questions were adjudicated at the time of trial. Suspicious circumstances, if left unresolved and to the benefit of the contesting respondents, has the potential to a situation where the plaintiff's rights may forever be frustrated and the Suit rendered infructuous. Preservation of the subject property would be crucial in such a situation to prevent any irreparable prejudice to the plaintiffs/petitioners (the appellants in this case).

19. To conclude, the impugned order does not disclose a clear flow of title from the Sale Deeds of 1984 through the mutation proceedings of 2006 to the creation of the Trust in 2023 in favour of the respondents. Therefore, the Trial Court erred in holding that the appellants were unable to establish a prima facie case, balance of convenience and irreparable injury for grant of interim injunction restraining the respondents/defendants from creating third party rights/alienating the suit schedule property pending disposal of the Suit.

1 M/s. Gujarat Bottling Co. Ltd. V. Coca Cola Co., (1995) 5 SCC 545

20. CMA No.60 of 2026 is accordingly allowed and disposed of by setting aside the impugned order dated 28.10.2025.

21. All connected applications are disposed of. Interim orders, if any, shall stand vacated."

3. During the course of hearing, learned Senior Counsel Mr. Niranjan Reddy and Mr. Dama Sheshadri Naidu have, after consulting their respective clients, agreed to abide by the following arrangement to secure the interest of both the parties pending disposal of the suit.

4. Of the total layout, the following plots are said to be unencumbered as of today, except that they are mortgaged as security with Hyderabad Metropolitan Development Authority (HMDA) as per the statutory regulations. Mr. Niranjan Reddy, learned Senior Counsel submits that his client will undertake to earmark the following plots in favour of the plaintiffs/respondents as a security pending disposal of the suit.

S.Nos.	Plots Nos.	Area (Sq. Yards)
1	47	230
2	48	205
3	49	180
4	50	212
5	75	580
6	76	512
7	81	289
8	82	259
9	83	229
10	84	200

11	85	379
12	130	183
13	131	183
14	132	183
15	133	183
16	134	183
17	135	259
18	136	250
19	137	183
20	138	183
21	139	183
22	140	183
23	141	183
24	142	183
25	143	183
26	144	183
27	145	183
28	194	233
29	195	171
30	196	171
31	197	171
32	198	214
33	200	183
34	201	183
35	202	250
36	211	250
37	212	183
38	213	183
39	214	183
40	215	346
41	218	204
42	219	182
43	220	182
44	221	182
45	222	250
	Total	10067

5. Mr. Niranjan Reddy also submits that his clients will fully undertake to get the mortgage released from the HMDA as and when

the layout plan is approved. We record the undertakings furnished on behalf of appellants. It is also made clear that the plaintiffs' right to enforce a probable decree in their favour shall subsist irrespective of any difficulty that may arise, in the event of non-compliance with the undertakings by the appellants.

6. In view of the above, the judgment and order passed by the High Court in Civil Miscellaneous Appeal No. 60 of 2026 dated 17.04.2026 shall stand modified and the present Civil Appeals stand disposed of in terms of our order.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
AUGUST 17, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15992/2026

[Arising out of impugned final judgment and order dated 17-04-2026 in CMA No. 60/2026 passed by the High Court for The State of Telangana at Hyderabad]

M/S. HYMARQUE CONSTRUCTIONS PRIVATE LIMITED

Petitioner(s)

VERSUS

ASIYA BEGUM & ORS.

Respondent(s)

IA No. 134770/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 134771/2026 - EXEMPTION FROM FILING O.T.

IA No. 140721/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

WITH

SLP(C) No. 16220/2026 (XII-A)

Date : 17-08-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) : Ms. Shloka Narayanan , AOR
Mr. N. Sai Kaushal, Adv.

Mr. Niranjan Reddy, Sr. Adv.
Mr. Krishna Dev Jagarlamudi, AOR
Mr. Shrey Nautiyal, Adv.
Mr. Arpit Kumar Mishra, Adv.
Mr. Vishnu Kanth Mundada, Adv.

For Respondent(s) : Mr. Dama Sheshadri Naidu, Sr. Adv.
Mr. Manoj C. Mishra, AOR
Mr. Vishal Kumar Jain, Adv.
Mr. Vishesh Jain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The Civil Appeals stand disposed of in terms of the Signed Order.

3. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)