

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

FAO (OS) No. 14 of 2026

Date of decision: 10.07.2026

M/s Himland Real Estates Pvt. Ltd.

...Appellant/Defendant No.2

Versus

M/s Derabassi Ventures Pvt. Ltd. & Ors.

...Respondents

Coram

The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?

For the Appellant:

Ms. Geeta Luthra, Senior Advocate with Mr. Udit Shaurya Kaushik and Mr. Harsh Malik, Advocates.

For the Respondents:

Mr. R. L. Sood and Mr. Peeyush Verma, Senior Advocates with Mr. Rahul Jagota and Mr. Ajay Sharma, Advocates, for respondents No. 1 and 2.

Mr. Deepak Gupta, Advocate, for respondent No. 3.

Mr. Kshitij Sharma, Senior Advocate with Mr. Abhishek Thakur, Advocate, for respondents No. 4 and 5.

G. S. Sandhawalia, Chief Justice (Oral)

The present appeal has been preferred by defendant No. 2 in Civil Suit No. 28 of 2026, which was filed for specific performance of the Agreement to Sell dated 05.07.2025, executed between the parties for permanent prohibitory injunction and declaration. The order was passed by the learned Single Judge on 22.05.2026, restraining non-applicants/defendants No. 1 and 2 from alienating, selling, transferring,

encumbering the property in question in favour of defendants No. 3 and 4 of land measuring 124-7 bighas situated at Village Jharmajri, Tehsil Baddi, District Solan, H.P. till the next date of hearing and the same was subject to compliance of Order 39, Rule 3 CPC and the defendants were directed to show-cause as why the order be not made absolute during the pendency of the suit. The matter was adjourned to 02.07.2026.

2. It is not disputed that all the defendants as such have put in appearance before the learned Single Judge on the said day and defendant No. 2 - present appellant had also filed reply to the stay application bearing OMP No. 377 of 2026 and also filed written statement in the Registry of the Court.

3. The perusal of the original file would also go on to show that the written statement has been duly traced by the office and is also on the record of the civil suit.

4. Learned counsel appearing for the appellant has raised various issues and also referred to the fact that a complaint has also been filed before the Superintendent of Police, Baddi seeking registration of an FIR, on 27.05.2026, and also argued that the agreement in question dated 05.07.2025, on the basis of which, the interim protection has been granted, is forged and fabricated document, while referring to the same and also giving reference to various CNR numbers, pertaining to the litigation which have been mentioned in the agreement and are

part of the judicial record and which has now been annexed by filing an application bearing CMP No. 16867 of 2026 for placing certain requisite documents on record. In such circumstances, it is submitted that the order is liable to be interfered in the present appeal, as a large chunk of land has been blocked from being sold.

5. We have perused the order in question. The learned Single Judge apparently keeping in view the plaint and the application and the agreement to sell dated 09.08.2025 executed in favour of defendants No. 3 and 4. was of the considered opinion that defendants No. 1 and 2 were likely to execute the sale deed in favour of defendants No. 3 and 4 before 31.05.2026.

6. Counsels have also put in appearance on behalf of the other defendants before us.

7. Keeping in view the above, we are of the considered opinion that since the pleadings are still not complete before the learned Single Judge, as the reply has to be filed by defendants No. 1, 3 and 4, it would not be appropriate for this Court at this stage to examine the issue in question, as the defence as such of the said defendants is yet to come on record.

8. Counsels have very graciously appearing for the said defendants, including the counsel for the plaintiff, also submitted that he will also complete his pleading by filing

necessary replication by 30.07.2026, since the matter is now already fixed before the learned Single Judge on 03.08.2026.

9. Resultatly, keeping in view the above, we dispose of the present appeal and the learned Single Judge as such is requested to decide the stay application as expeditiously as possible keeping in view the fact that various issues as such have been sought to be raised regarding the alleged fraudulent nature of the agreement which has been strongly opposed by the respondents herein.

(G. S. Sandhawalia)
Chief Justice

(Ajay Mohan Goel)
Judge

10th July, 2026
(sanjeev)