

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MA No.74 of 2015**

Vikash Gupta S/o Mulchand Gupta Aged About 30 Years R/o Station Para
Rajnandgaon, Tahsil And District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. Manohar Lal Sinha S/o Late Ful Singh Sinha Aged About 59 Years R/o
Old Civil Line, Sarangapali Chal, Rajnandgaon, Tahsil And District
Rajnandgaon Chhattisgarh
2. Pawan Sinha S/o Late Ful Singh Sinha Aged About 52 Years R/o Village
Pendary, Ward No. 20, Rajnandgaon, Tahsil And District Rajnandgaon
Chhattisgarh
3. State Of Chhattisgarh Through The Collector Rajnandgaon, District
Rajnandgaon Chhattisgarh

---- Respondent

For Petitioner	:	Shri Shivang Dubey, Advocate
For Respondent No.3	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****07/12/2015**

Heard on admission.

2. This appeal is directed against order dated 06-04-2015, by which,
application for grant of temporary injunction has been rejected.

3. Learned counsel for appellant submits that the suit for specific
performance of contract was based on agreement in writing by which defendant
No.1-Manohar lal Sinha agreed to sell his land to the appellant-plaintiff. Time

was not the essence of the contract. The agreement stipulated that the sale deed would be registered within three months from the date of measurement. It is argued that it was the joint property but the defendant No.1 never got his share partitioned and instead transferred the title by way of registered gift deed in favour of his own brother, defendant No.2, against which, the suit was filed. It is submitted that even though, the property in dispute has been transferred to defendant No.2, if the defendant No.2 is allowed to create third party interest, it will add to multiplicity of proceedings.

4. Taking into consideration that the agreement was executed in the year 2008 and suit has been filed in the year 2015 with the intervention that the transfer of title by way of registered gift deed in favour of defendant No.2, the Court below has rejected prayer for grant of injunction.

5. In view of above, I am not inclined to interfere with the impugned order.

6. Accordingly, the appeal is dismissed.

Sd/-
Manindra Mohan Shrivastava
Judge