

CR No. 568 of 2022

Date of Decision: 21.02.2022

Abhay Singla

....Petitioner

VS

Hardeep Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Sunny K. Singla, Advocate for the petitioner

SUDHIR MITTAL, J. (Oral)

A suit for specific performance for agreement to sell has been filed by the petitioner. Allegedly, it was instituted on 20.12.2021. The impugned order is also of the said date. Vide the said order, the trial Court has issued notice to the defendants and has refused to grant ex-parte stay.

Learned counsel for the petitioner has submitted that the defendants have alienated part of the suit property prior to the filing of the suit and, thus, there is an apprehension that they may alienate the remaining part also during the pendency of the suit. For this reason, the trial Court was in error in rejecting the prayer for ex-parte injunction restraining the defendants from further alienating the suit property.

If any property is alienated during the pendency of the suit, the sale would be governed by the *doctrine of lis pendens*. Thus, there was no urgency of granting an ex-parte stay order. Accordingly, the trial Court can not be faulted.

For the aforementioned reason, the revision petition has no merit and is dismissed.

21.02.2022

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(SUDHIR MITTAL)
JUDGE