



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 1785 of 2025

[Tarachand s/o Bisan Sakure (died) through L.Rs. Saraswati wd/o Tarachand Sakore
and ors. ..vs.. Anita w/o Dhanraj Sathawane]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. J. Vairagade, Advocate for the petitioners

CORAM : ANIL L. PANSARE J.

DATED : 02-05-2025

Heard.

2. The petitioners are before this Court against the concurrent findings. Both the Courts below are of the view that the respondent – plaintiff has made out *prima facie* case to seek injunction against the petitioners – original defendants restraining them from creating third party interest in the suit property pending suit which has been filed for specific performance of contract.

3. Learned counsel for the petitioners submits that agreement under question is not registered agreement. His attention was invited to proviso to Section 49 of the Registration Act, 1908, which provides that unregistered agreement to sale is admissible in evidence in a suit for specific performance of contract. It cannot be, therefore, said that Courts below have committed any error of law in relying upon agreement to sale while arising at a conclusion that the respondent has made out a *prima facie* case.

4. It appears that on payment of Rs. 5,00,000/- and as agreed between the parties, the petitioners have delivered possession of the property to the respondent.

5. That being so, the Court below thought it proper to restrain the petitioners from creating third party interest in the suit property. The finding appears to be in consonance with the material placed before the trial Court. No interference is, therefore, called for in the supervisory jurisdiction under Article 227 of the Constitution of India. Writ petition is dismissed with no order as to costs.

(Anil L. Pansare, J.)

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