

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**FA No. 271 of 2017**

Smt. Rajkali Devi ( Dead) Through Legal Heir Rajesh Kumar Mishra **Versus** Shivprakash Dixit  
( Dead) Through Legal Heirs: Smt. Mangla Shukla

11/09/2017	<p>Shri Ashish Surana and Shri Ankur Agrawal, counsel for the appellant.</p> <p>Shri R.K. Pali, counsel for the respondent No.3.1 and 3.4.</p> <p>Heard.</p> <p>Admit.</p> <p>The respondents No. 3.1 and 3.4 are represented by Shri Pali, Advocate.</p> <p>Notice has been served to respondent Nos. 1.1 to 1.4, 2, 3.2, 3.3, 4, 6 &amp; 7.</p> <p>Issue fresh notice to the respondent No.5 on payment of process fee as per rules.</p> <p>In so far as I.A. No.1, application for grant of interim relief is concerned, suffice it would be to say that Section 52 of the Transfer of Property Act defining <i>lis pendense</i> takes care of alienation of suit property during pendency of the litigation. In other words, when the statute itself provides that any transfer, if made by any of the party to the suit during pendency of the <i>lis</i>, remains subject to result of the litigation. Therefore, for this reason, the application made by the appellant claiming restraint order in relation to suit property may not be necessary at all.</p> <p>With the aforesaid observation, I.A No.1 stands disposed of.</p>

List it after four weeks.

Sd/-

Judge  
Prashant Kumar Mishra

Sd/-

Judge  
Arvind Singh Chandel

Akhilesh