

Civil Suit No. 11 of 2021

24.2.2021 **Present:** Mr.Sunil Mohan Goel and Mr.Raman Jamalta, Advocate, for the plaintiffs.

OMP No. 43 of 2021

In main Civil Suit notice has been issued to defendants, returnable on 31st March, 2021 by Additional Registrar (Judicial) vide order dated 22.2.2021.

Notice to defendants on the steps already taken, returnable on **31st March, 2021**, the date already fixed, be issued.

It is claim of plaintiffs that defendants have agreed to sell suit land to the plaintiffs for a total sale consideration of ₹2,50,00,000/-, out of which ₹2,15,00,000/- stands paid to the defendants and remaining ₹35,00,000/- is to be paid at the time of execution and registration of sale deed, which was to be executed on or before 11th October, 2019, but defendants are not executing it, but intending to further transfer and alienate the suit land in order to frustrate the rights of plaintiffs, whereas, plaintiffs are ready and willing to perform their part. It is further stated that possession of the suit land has also been handed over to the plaintiffs at the time of execution of the agreement, i.e. in September, 2019, which is evident from clause 3 of the agreement to sell.

Considering the entire facts and circumstances, I find that balance of convenience is in favour of plaintiffs for passing ad interim stay. Accordingly, defendants are

restrained from alienating, transferring or encumbering the suit land comprising in Khata/Khatauni No. 273/444, Khasra Nos. 1071, 1072, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1129, 1140, 1141, 1142, Kita 70 in total measuring 03-93-99 hectares and Khata/Khatoni No. 273/445, Khasra No. 1066 and 1068, Kita 2 measuring 00-11-72 hectares, total measuring 04-05-71 hectares situated at Mohal Chowki, Mauza Khalat, Tehsil Palampur, District Kangra, H.P., till next date of hearing and defendants are also restrained from interfering in peaceful possession of plaintiffs over the suit property. Compliance of order 39 Rule 3 be ensured within twenty four hours.

The plaintiffs are permitted to produce copy of order downloaded from the High Court website.

***(Vivek Singh Thakur),
Judge.***

***24th February, 2021
(Keshav)***