

Monika Verma vs. Jaihri Ram & others

Civil Suit No.31 of 2025

08.07.2025 Present: Mr. Mukul Sood, Advocate, for the plaintiff.

OMP No.906 of 2025

Issue notices to non-applicants/defendants, returnable on 7th August, 2025, for which date notices in the main suit have also been issued.

Learned counsel for the applicant/plaintiff has pressed for grant of ex-parte injunction to restrain the non-applicants/defendants from alienating, transferring, encumbering or creating any third party interest in the suit land.

I have gone through the contents of the plaint as also the application in hand. The documents filed along with the plaint have also been perused.

The plaintiff has filed suit for specific performance of agreement dated 01.03.2024. whereby the non-applicants/defendants have agreed to transfer the land detailed in para-1 of the plaint (hereinafter referred to as "the suit land") for consideration of Rs.8,00,000/- per kanal. It is the case of the applicant/plaintiff that on 24.07.2024 mutations were attested, whereby the marketable title of the defendants/non-applicants is clear. Though, the plaintiff is ready and willing to perform his part of agreement and has made requests to the defendants to come forward, but they are delaying the matter. As per the applicant/plaintiff, Rs.13,00,000/- have already been paid to the non-applicants/defendants as advance towards consideration amount.

It is contended that in order to defeat the rights of the applicant/plaintiff arising from the agreement dated 01.03.2024, the non-applicants/defendants may alienate, transfer, encumber or create third party rights in the suit land. For such apprehension, the applicant/plaintiff has relied upon the conduct of non-applicants/defendants as they are not coming with a clear stand in response to the notice issued to them by the applicant/plaintiff.

Keeping the entirety of facts and circumstances in view, the applicant/plaintiff has made out a *prima facie* case. Balance of convenience and irreparable loss also lies in his favour at this stage. In case the prayer as made by learned counsel for the applicant/plaintiff is not allowed, it may lead to multiplicity of litigation.

Accordingly, the non-applicants/defendants are restrained from transferring, encumbering, alienating or creating any third party rights in the suit land till the next date of hearing.

The respondents to show cause as to why this order be not made absolute. Compliance under Order 39 Rule 3 of CPC be made.

List on 7th August, 2025.

(Satyen Vaidya)
Judge

July 08, 2025
(vt)