

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil First Appeal No. 218/2024

Nirmal Singh S/o Gulzar Singh, Aged About 45 Years, R/o Village
11 G Chhoti, Dist. Shri Ganganagar, Rajasthan.

----Appellant

Versus

1. Autar Singh Alias Avtar Singh S/o Mahla Singh, Aged Major, R/o Village 11 G Chhoti Dist. Shri Ganganagar, Rajasthan.
2. Baljeet Singh S/o Sarjeet Singh, Aged Major, R/o Village 11 G Chhoti Dist. Shri Ganganagar, Rajasthan.
3. Arvind Singh S/o Sukhdev Singh, Aged Major, R/o Village 9 G Chhoti Dist. Shri Ganganagar, Rajasthan.
4. Balkaran Singh S/o Mukand Singh, R/o Chak 5 H, District Sriganganagar, Rajasthan.

----Respondents

For Appellant(s)	:	Mr. Rajeev Purohit
For Respondent(s)	:	Mr. Narendra Thanvi Mr. Dishant Kirodiwal for Mr. B.S. Sandhu

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

15/07/2025

1. The matter comes up on an application (IA No.01/2025) moved by applicant-respondent No.4 – Balkaran Singh seeking vacation of the interim order granted by this Court vide order dated 11.07.2024, whereby the parties were directed to maintain status quo with respect to the suit property.
2. While pressing for application seeking vacation of the interim order granted by this Court on 11.07.2024, learned counsel for the applicant-respondent No.4, inter alia, submitted that the

applicant is a subsequent purchaser of the land in question and he is cultivating the said land. Learned counsel also stated that admittedly the applicant is in the possession of the land in dispute on the basis of the registered sale deeds dated 02.04.2024. It is also argued that under the garb of interim order dated 11.07.2024, the appellant is bent upon illegally entering into the land in question and encroaching upon the same. He further submits that on account of the passing of the interim order, the applicant is facing grave hardship and irreparable loss as he is not able to peacefully cultivate the said land. It is further submitted that the original suit preferred for specific performance of the contract was dismissed by the trial court, however, on account of passing of the interim status quo order granted by this court, the applicant is deprived from using this land.

3. Per contra, learned counsel appearing for the appellant controverting the contentions advanced by the learned counsel for the applicant-respondent No.4 submits that the sale deeds in favour of respondent No. 4 are hit by the principle of *lis pendens* and have been executed during the pendency of the instant appeal. It is also submitted that respondent No.2 – Arvind Singh was in too much haste and just after five days of the decision of the suit, he has sold the land though he was not in possession of the land in question. It is contended that the interim order is necessitated to preserve the subject matter of the suit and prevent its frustration by subsequent transactions.

4. Having considered the rival submissions and on perusal of the material available on record, this Court is of the considered opinion that the ends of justice would be met if the interim order

dated 11.07.2024 is suitably modified so as to protect the interest of both parties during the pendency of the appeal.

5. Accordingly, the interim order dated 11.07.2024 is modified to the extent that the applicant-respondent No.4 shall not create any third-party rights, interest, alienate or transfer of the suit land in any manner whatsoever during the pendency of the present appeal.

6. The stay petition stands disposed of accordingly.

7. The appeal has already been admitted, the same be listed for hearing in due course.

8. The application filed under Order 41 Rule 27 CPC shall be considered and decided at the time of final hearing of the appeal.

(CHANDRA SHEKHAR SHARMA),J