

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2231/2026

Gangadhar S/o Shri Bastiram, & Ors.

----Appellants

Versus

Iqbal S/o Shri Kasamkhan, & Anr.

----Respondents

For Appellant(s)	:	Mr. Mahendra Shandilya Mr. Atul Bhardwaj
For Respondent(s)	:	Mr. M.S. Saharan with Mr. Shubham Chaudhary Mr. Ankit Jindal

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

06/05/2026

1. While impugning the order dated 06.04.2026 passed by *the* learned Additional District Judge No.2, Jhunjhunu, Rajasthan in Civil Misc. Case No.34/2025 (CIS No.66/2025) titled as '*Gangadhar & Ors. vs. Iqbal & Anr.*', whereby the application filed by the plaintiff/appellant under Order 39 Rule 1 & 2 for temporary injunction, was dismissed, learned counsel for the appellants submits that the present matter pertains to a suit for specific performance against the respondent Nos.1 & 2 in respect of an agreement dated 31.12.2013.
2. He further submits that although the learned Court below in the impugned order has held that the validity of the agreement in question will be decided during the course of trial, after evidence is led by the parties, yet the learned Court below has arbitrarily not granted an interim relief in order to preserve the subject matter of the suit; he accordingly prays that the impugned order

may kindly be set aside and an injunction order may kindly be issued against respondent Nos.1 & 2.

3. *Per contra*, learned counsel for respondent No.2 submits that the respondent No.2 has already alienated a part of the suit property, and the subsequent purchasers have not been impleaded as a party to the suit, therefore, no injunction can be granted at this stage.

4. In response, learned counsel for the appellant submits that he is in process of filing requisite applications for impleadment of the subsequent purchaser; he therefore prays that atleast respondent No.1 may kindly be restrained not to sell, alienate or transfer the suit property.

5. Heard.

6. In view of the foregoing submissions, issue notice to respondent No.1, returnable within eight weeks.

7. Requisite PF and notices may be filed in two sets within a period of one week, and upon filing the same, one set will be sent by ordinary post and another by registered post.

8. Till the next date of hearing, respondent No.1 is restrained not to sell, transfer, alienate or create any third party rights over the suit property to the extent of his share as outlined in the agreement dated 31.12.2013.

9. List this matter after eight weeks.

(MANEESH SHARMA),J