

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Miscellaneous Appeal No. 4556/2024

Ramesh Chand Agarwal S/o Shri Satyanarayan Agarwal,  
-----Appellant

Versus

Raghunath S/o Shri Sujaram  
-----Respondent

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For Appellant(s) : Mr. Ashish Guwalani  
Mr. Pavan Sharma

For Respondent(s) :  

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**HON'BLE MR. JUSTICE ASHOK KUMAR JAIN**

**Order**

**03/12/2024**

1. Aggrieved from dismissal of TI application on dated 31.08.2024 under Order 39 Rule 1 and 2 of CPC by learned Additional District Judge Chomu, District Jaipur, instant CMA is preferred by appellant-plaintiff.
2. Learned counsel for the appellant submits that he has filed a suit for specific performance based on agreement dated 20.09.2020 executed by defendant no.1 and during pendency of this civil suit, a TI application was also filed wherein learned Trial Court has issued aid interim TI on 16.10.2021 but learned Trial Court while considering the matter on merits, has dismissed the TI application observing that there is no document on record in support of the application. He submits that a suit for specific performance was filed with basic documents i.e. agreement to sale and same is available on record. He submits that on earlier occasion when aid interim TI application was issued in favour of appellant-plaintiff, after considering the submission of both the

parties the trial Court has directed respondent no.1 not to alienate or transfer the suit property.

3. Considered submission of learned counsel for the appellant and perused the material placed on record.
4. Issue notice to respondent no.1.
5. Additional set be issued through registered speed post.
6. Call for record relating to TI application.
7. Service upon respondent no.2 is dispensed with at the requests of learned counsel for the appellant.
8. The respondent no.1 is restrained to transfer or alienate the suit property till next date of hearing in terms of order dated 16.10.2021 passed by learned Trial Court in TI application no.19/2021.
9. List in the month of January, 2025.

(ASHOK KUMAR JAIN),J