

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

S.B. Civil First Appeal No. 1235/2019

Sitaram Bairwa S/o Shri Ramsahai Ji Bairwa

----Appellant

Versus

Ramsahai S/o Bheru & Ors.

----Respondents

For Appellant(s) : Mr. Manak Chand Jain

For Respondent(s) : Mr. Gaurav Sharma Saraswat

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

27/04/2022

Appellant-plaintiff has filed this first appeal feeling aggrieved by dismissal of his suit for specific performance vide judgment dated 06.08.2019 passed by Additional District and Sessions Judge No.3, Jaipur District Jaipur in civil suit No.80/2016.

It appears from the judgment that the appellant alleged to enter into agreement to sell dated 29.03.2004 and thereafter defendant No.1 has sold the suit property through registered sale deed dated 20.01.2005 in favour of defendant No.3-Smt. Lada Devi. The trial court has found the sale deed of defendant No.3 as lawful and valid. However, the first appeal is required to be heard on facts and law.

Admit.

Call for the record.

Issue notice to respondents.

Since counsel for respondent no. 3 has already put in appearance, no need to issue notice to her.

Issue notice to remaining respondents.

Since respondent No.3 has purchased the suit property and on the basis of her sale deed, she has the possession and title. Having considered the facts and circumstances of the case, respondent No.3 is restrained from further transferring the suit property during course of appeal.

With aforesaid direction, the stay application stand disposed of.

(SUDESH BANSAL),J

SAURABH/15

RAJASTHAN HIGH COURT



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