

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>FA No.97 of 2022 <u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mrs. Priyanka Agrawal, Advocate, for the appellant.</p> <p>This is plaintiff's first appeal, which is arising out of the judgment and decree dated 10.03.2022, whereby the plaintiff's, Suit no.25 of 2017, "Smt. Pushpa Agarwal Vs. Sanjeev Sharma & others", for the grant of decree of declaration for the sale deed dated 18.10.2014, to be void in relation to the property described in the plaint was dismissed.</p> <p>The facts brought on record show that during the pendency of the suit, there was a miscellaneous application filed under Order 39 Rule 1 and 2 of the CPC, which was numbered as paper no.6 (ga), and the learned trial court had passed an interim injunction, by an order dated 23.01.2020, which is said to have continued to operate till the suit was decided, on its own merits.</p> <p>It has been further argued that as against the grant of injunction, the defendant's appeal from order under Order 43 Rule (1) (r) of the CPC, has been dismissed by this Court.</p> <p>Admit the appeal. Summon the lower court record. Issue notices to the respondent. Steps would be taken by the appellant within a period of ten days' from today.</p> <p>Till the next date of listing, parties to the first appeal, are restrained to deal with the property in dispute, which was the subject matter of the sale deed, which was put to challenge in the suit, in any manner whatsoever, during the pendency of the first appeal.</p> <p>Having said so, the supplementary affidavit which has been filed by the appellant</p>

			<p>in compliance of the order of the coordinate Bench dated 17.05.2022, would stands dismissed as withdrawn, because the documents annexed therewith, were not the part of the exhibits which were produced before the court below, and since an appeal under Section 96, being a proceeding in continuation to the suit, it would be governed by the provisions of Order 41, the dismissal of this supplementary affidavit, will not preclude the appellant to file an appropriate application under Order 41 Rule 27 of the CPC if so advised, to bring on record the additional documents, which she wants to rely in support of her contentions.</p>
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List this appeal after service of the notices on the respondent.

(Sharad Kumar Sharma, J.)

30.06.2022

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