

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

Appeal against Order No.50 of 2007

(Harish Deokisan Bhattad and others v. Smt. Geetabai Ramkisan Agrawal
and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions : Court's or Judge's orders
and Registrar's orders.

Shri V.M. Deshpande, Advocate for Appellants.

CORAM : R.C. Chavan, J.

DATE : 31st July, 2008

1. Heard the learned counsel for the appellants.
2. The learned Trial Judge has refused injunction to the appellants in a suit for specific performance of an agreement to sell on the ground that interest of appellants is protected by doctrine of *lis pendens*. The appellants to register their *lis* and have their interest protected. On payment of consideration of Rs.4 lacs out of Rs.18 lacs agreed four years ago, the appellants cannot tie the hands of the respondents by seeking injunction. There is no question of multiplicity of proceedings. If there are any transfers after the *lis* is registered, then those transfers would be subject to decision in suit and the transferees could be joined as parties to the proceedings. Apprehension of the appellants regarding observations of the learned Trial Judge in the order passed by him, are equally unfounded. The learned Trial Judge shall not be influenced by the observations made by him in the order rejecting the injunction application of the appellants while deciding the suit.

3. The appeal is, therefore, dismissed.

JUDGE

Lanjewar