



In the High Court of Punjab and Haryana, at Chandigarh

Execution Second Appeal No. 3 of 2025 (O&M)

Date of Decision: 29.01.2025

Rajbala

... Appellant(s)

Versus

Amardeep and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mayank Gupta, Advocate
for the appellant(s).

Anil Kshetarpal, J.

CM-860-C-2025

1. For the reasons stated in the application, the same is allowed and delay of 14 days in filing the appeal is condoned.

ESA-3-2025

2. The appellant herein is a third party objector. Her objection petition was dismissed by both the Courts below. It has come on record that she purchased property during the pendency of a suit for specific performance of the agreement to sell dated 01.10.2008. Moreover, the appellant has purchased the property from a joint khata of undivided share. Furthermore, the suit filed by Amardeep was with respect to the constructed house on plot measuring 270 square yards.

3. The learned counsel representing the appellant submits that Smt. Bhimo Devi has filed a suit for permanent injunction for restraining the defendants from alienating the suit property. He further submits that the

agreement to sell was entered into in violation of the injunction order. He further submits that Section 64 of the Code of Civil Procedure, 1908, provides that private alienation of the property after attachment is void.

4. On a court question, the learned counsel representing the appellant submits that grant of temporary injunction amounts to attachment of the property. The argument lacks substance. There is a substantial difference between the attachment of property and temporary injunction. The suit for specific performance of agreement to sell was filed for a constructed house which has been decreed and the injunction sought was not with regard to the constructed house. Moreover, the appellant's separate suit is pending.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders. Hence, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

January 29, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No