HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2486/2026
CNR: RJHC020473912026 | URN: CMA / 4308U / 2026

Smt. Neha Awasthy, D/o Late Shri Sanjay Awasthy, Aged About 37 Years, Premanent Resident of House No. 424, Scheme No. 2, Alwar, Rajasthan. Presently Residing At E-27/3, Dolphin Hill, Visakhapatnam, Andhra Pradesh- 530014.

----Appellant

Versus

1. Smt. Ruchi Shukla, W/o Shri Ashutosh Shukla, Aged About 60 Years, Resident of 3/12, Vikas Khand, Gomti Nagar, Lucknow, Uttar Pradesh- 226010.
2. Smt. Sheela Awasthy, W/o Late Shri Manmohan Awasthy, Aged About 85 Years, Resident of 3/12, Vikas Khand, Gomti Nagar, Lucknow, Uttar Pradesh- 226010.
3. Pranay Awasthy, S/o Late Shri Sanjay Awasthy, Aged About 36 Years, Permanent Resident of House No. 424, Scheme No. 2, Alwar, Rajasthan, Presently Residing At 1107, Tower-2, Purvanchal Royal City, Chi-V, Greater Noida, Uttar Pradesh- 201310.
4. Sub-Registrar, Alwar-I, Alwar, Rajasthan.

----Respondents

For Appellant(s)	:	Mr. Harshal Tholia
For Respondent(s)	:	Mr. Omendra Singh Raghav

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

08/09/2026

1. Appellant is plaintiff and has preferred this misc. appeal under Section 104 read with Order 43 Rule 1(r) CPC, impugning the interim order dated 06.05.2026 passed by the Additional District and Sessions Judge, Alwar during course of the application for temporary injunction bearing No.79/2026 and declining to grant ad interim injunction in favour of appellant.

2. The disputed property is a residential house bearing Plot No.424, Scheme No.2, Lajpat Nagar, Alwar comprising an area of 388.88 square yards. The disputed plot was self earned property

of Late Shri Manmohan Awasthy, who executed a registered gift deed dated 22.08.2013 in favour of his daughter (respondent No.1 herein) and transferred its ownership and possession to his daughter. Thereafter, Shri Manmohan Awasthy died on 24.11.2013. Appellant, who happens to be grand-daughter of Late Shri Manmohan Awasthy and daughter of his deceased son Late Shri Sanjay Awasthy, filed the present civil suit on 28.04.2026 questioning the registered gift deed and claiming her half share in the disputed property. An application for temporary injunction has also been filed along with suit. In the application for temporary injunction, learned trial Court declined to grant ad interim stay order in favour of appellant vide order impugned dated 06.05.2026, hence, this appeal.

3. Admittedly, application for temporary injunction is pending before the trial Court and yet to be adjudicated on merits.

4. From the record, it transpired that before institution of the present civil suit and application for temporary injunction on 28.04.2026, the disputed property has been sold by respondent-defendant No.1 Smt. Ruchi Shukla through two registered sale deeds i.e. (i) Half share through registered sale deed dated 23.04.2026 in favour of Shri Mahendra Kumar (ii) Remaining half share through registered sale deed dated 23.04.2026 in favour of Shri Manoj Kumar Mehndiratta. The copies of both registered sale deeds of even dated 23.04.2026 have been placed on record by respondent No.1.

5. Since both sale deeds have been executed by respondent-defendant No.1 prior to institution of the present civil suit, it is

required for the appellant-plaintiff to implead the purchasers of disputed property in the suit as well as in the application for temporary injunction and without giving opportunity of hearing to the purchasers, prayer for passing any interim injunction cannot be considered.

6. The aforesaid aspect has not been disputed by the counsel for appellant-plaintiff as well. Hence, without any interference to the impugned order dated 06.05.2026, instant appeal stands disposed of with liberty to appellant-plaintiff to implead the subsequent purchasers of the disputed property as party to the suit as well as to the application for temporary injunction and then to pursue his prayer for grant of interim stay.

7. In that eventuality, it is hereby observed that the trial Court shall consider the prayer of injunction of petitioner, without being prejudiced by the order impugned or non-interference thereagainst by this Court.

8. The interim stay order dated 22.05.2026, passed in this appeal, is hereby stands vacated.

9. Stay application and other pending application also stand disposed of.

(SUDESH BANSAL),J

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