

The petitioner having allegedly purchased the land from third party (not the original owner) in terms of the stated registered sale deed at a point of time when the original owner himself had no subsisting title in respect of suit property, such transaction is questionable in law.

Counsel for the petitioner would submit that third party from whom the petitioner purchased suit property had challenged the auction process by way of a suit wherein a temporary injunction dated 17.11.1998 restraining the bank from confirming the auction sale and to transfer the land in name of other persons was granted.

A perusal of record goes to show that temporary injunction was conditional subject to plaintiff furnishing a bail bond worth Rs.40,000/- and an undertaking. The twin conditions were never fulfilled and thus the injunction was not in force. The suit subsequently came to be dismissed for non-prosecution.

It is next submitted that since the petitioner is claiming through third party-first purchaser of the land in question from the original owner, he be permitted to pursue the said suit to

its logical end.

If the petitioner has such remedy available in law, it is open to the petitioner to take recourse to that option. However, we are not expressing any opinion either way on the merits of that submission.

Suffice it to observe that for the purpose of present proceedings, we find no error committed by the High Court in rejecting the subject suit in exercise of power under Order VII, Rule 11 in the fact situation of the present case. Hence, dismissed.

In view of the above, pending applications shall stand disposed of.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

*appearance slip not received.