

Agreement to Sell – Transaction during the pendency of the suit is not illegal or void ab initio but only voidable at the option of the decree holder – As per the principle of lis pendens, a subsequent transaction, relating to the subject matter of the suit, during the pendency of the suit, becomes subservient to the rights of the parties as determined by the Court – The appellant derive their right from the alleged mortgage deed which was entered into during the pendency of the suit – Becomes subservient to the rights of the parties as determined by the court – Aforesaid mortgage deed has not been declared as illegal or void.

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