

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS**

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

FAO.No. 159 of 2012 ()

**(ORDER DATED 10.04.2012 PASSED IN I.A.NO.314/2012 IN O.S.NO.75/2012 ON THE FILE
OF SUBORDINATE JUDGE'S COURT, PALAKKAD)**

APPELLANT(S)/PETITIONER/PLAINTIFF :

**ANVARUDHEEN,
S/O.N.V.KAMARUDHEEN, PYARI MANZIL, NANDANKIZHAYA,
MUTHALAMADA VILLAGE, ANAMARI P.O., CHITTUR TALUK,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P**

RESPONDENT(S)/RESPONDENT/DEFENDANT :

**N.A.S. ABDUL MAJEED,
S/O.N.A.SHAIK MUHAMMED, 83, SIDCO INDUSTRIAL ESTATE,
SUNDARAPURAM, KURUCHI VILLAGE AND POST OFFICE,
KURUCHI TOWN, COIMBATORE SOUTH TALUK & DISTRICT
TAMILNADU - 641 001.**

BY ADV. SRI.NIRMAL. S

**THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD
ON 15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

AMV

THOTTATHIL B.RADHAKRISHNAN
&
SUNIL THOMAS, JJ.

.....
F.A.O.No.159 of 2012
.....

Dated this the 15th day of June, 2015

JUDGMENT

Thottathil B.Radhakrishnan, J.

Heard.

2.This appeal is against an order by which the court below refused to grant an application for temporary injunction pending a suit for specific performance of a contract for sale. The court below has analysed different materials available before it for the purpose of concluding as to whether there was a prima facie case to grant an interlocutory order. It also made advertence under Section 53A of the Transfer of Property Act, 1882 and ultimately, held that no grounds existed to grant any order of temporary injunction as sought for. Having considered the materials which were decisive on the issue, we are of the view that the court below cannot be held to have acted illegally or against the materials on record. We may also note that though this appeal was filed in the year 2012, it stands even now without any

interlocutory order in favour of the appellant in the appeal. With the passage of time, we are of the view that all that is required to secure the ends of justice is that the suit is disposed of untrammelled by anything stated in the order impugned.

In the result, this appeal is dismissed, however, directing that the court below will decide the suit, if it is still pending, untrammelled by anything stated in the order impugned.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

sd/-
(SUNIL THOMAS, JUDGE)