

COM.A.Nos.343 of 2019
and
C.P.No.253 of 2015

SENTHILKUMAR RAMAMOORTHY, J.,

Mr.P.S.Raman, the learned Senior Counsel who appeared for the applicants, submitted that a consent order was passed in C.P.No.253 of 2015 on 03.01.2017 in terms of which the respondent was required to pay the sum specified therein within a specified period. He further submitted that this undertaking was not honoured by the respondent and that the applicant is therefore entitled to bring the property to sale on the basis of Powers of Attorney that were executed by the respondent for use in the event of default in making the payment. However, the said powers of attorney were revoked on two occasions. On the previous occasion, the Powers of Attorney were restored based on an order dated 25.01.2018 in Contempt Petition No.2258 of 2017. But, the said Powers of Attorney were once again revoked recently.

2. Accordingly, he submitted that the petitioner is entitled to the injunctive relief restraining the alienation of property and also for a Mandatory Injunction directing the Execution and Registration of a fresh Power of Attorney.

3. Mr.Babu, learned counsel who entered appearance for the respondent, submitted that the respondent was constrained to revoke the powers of attorney because the applicant took steps to alienate the property for a value much lower than the value as per valuation reports submitted

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by the respondent. He also requested for time to file a counter and undertakes not to alienate the properties described in the schedule to the judges summons. The said undertaking is recorded.

4. On perusing the records and considering the oral submissions of both sides, it appears prima facie that the respondent herein has committed a breach of the terms of the memorandum of compromise dated 03.01.2017 not only by defaulting in making payment but by revoking the Powers of Attorney.

5. Accordingly, there is a prima facie case for grant of interim injunction as prayed for until further orders, and therefore, interim injunction is granted as prayed for in C.A.No.343 of 2019 until further orders.

6. The respondent is directed to file a counter in COM.A.No.343 to 345 of 2019 on or before 27.09.2019.

7. Post the matter on 27.09.2019 'for arguments'.

13.09.2019

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