

IN THE HIGH COURT OF BOMBAY AT GOA**COMMERCIAL APPEAL NO.2 OF 2018**

M/s. Aum C & F Agency
Pvt. Ltd. & Anr.

.... Appellants

V/s

M/s. Karl Logistics & Ors.

.... Respondents

Mr. S.G. Desai, Senior Advocate with Ms. S. Shelke, Advocate
for the Appellants.

Mr. J.A. Lobo, Advocate for Respondents No.1,2 & 4.

**Coram :- S. C. GUPTA &
PRITHVIRAJ K. CHAVAN, JJ.**

Date:- 11th June 2019

ORAL ORDER : (Per S.C. Gupta, J.)

This Commercial Appeal challenges an order dated 15/09/2017 passed on a temporary injunction application by the appellants plaintiffs. It is the case of the appellants that the respondents (original defendants) owe a sum of over ₹6,00,00,000/- (Rupees Six Crores only) to the appellants. It is the case of the appellants that the respondents have created a mortgage or at any rate a charge over the suit property and suit plot described in the plaint.

2. The plaintiffs' suit seeks a money decree as well as a

decree for sale of the property subject to mortgage/charge. Appellants' application for temporary injunction in respect of the property was rejected by the Trial Court purportedly on the ground that the plaintiffs have not made out a case of a genuine apprehension that the property is in danger of being sold or disposed of.

3. Learned Counsel for respondents no.1,2 & 4 on behalf of his clients as also after taking specific instructions not only on behalf of themselves but also on behalf of their parents, who are respondents no.6 & 7 before this Court (respondents no.6 & 7 being the owners of the suit property) states that neither of the respondents has any intention of disposing of the suit plot or the suit property. His statement is accepted. In view of the statement of the respondents accepted by this Court, the appellants' grievance in the First Appeal has been fully redressed. The statement shall apply as a restriction on all respondents (original defendants) in respect of any transfer or parting with possession of the suit plot or suit property.

4. The First Appeal is accordingly disposed of. At the request of the parties, hearing of the Commercial Suit is

expedited.

PRITHVIRAJ K. CHAVAN, J.

S. C. GUPTE, J.

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