

O.A.No.1171 of 2019
in C.S.No.733 of 2019

M.GOVINDARAJ.J.,

This application has been filed by the applicant seeking an order of interim injunction restraining the respondents / defendants from alienating or encumbering their properties pending disposal of the suit.

2. The first respondent/first defendant has executed a mortgage deed dated 18.07.2017 at the Office of the Sub Registrar, Neelangarai to an extent of 75 cents of the land. The respondents/defendants 2 and 3 stood as guarantors upto the maximum extent of 3 crores. Now, the applicant has come before this Court with the grievance that the respondents have played fraud and the property, which was mortgaged with the applicant / plaintiff was already sold by the first respondent's deceased husband, while he was alive and the applicant has lodged a complaint with the Central Crime Branch, Chennai. However, the first defendant was said to have been arrested and released on bail in another complaint and she keeps on cheating many people. In order to safeguard his legal rights, the applicant has instituted the above civil suit along with this application.

3. I have considered submissions of the learned counsel appearing for applicant and also perused the materials available on record carefully.

4. After considering the documents produced before the Court, this Court is of the opinion that a prima case has been made out and the balance of convenience is also in favour of the applicant. Hence, there shall be an order of interim injunction restraining the respondent from alienating the schedule mentioned properties till 13.01.2020.

5. Notice to the respondent through Court as well as privately, returnable by 13.01.2020. The applicant is directed to comply with Order 39 Rule 3(a) of the Code of Civil Procedure. Post the matter on 13.01.2020.

6. List the matter on 13.01.2020.



30.12.2019

(1/2)

mrp/srn

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Note: Issue order copy on 06.01.2020

M.GOVINDARAJ.J

mrp/srn



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