



O.A.No.430 of 2021

in

C.S.No.233 of 2021

WEB C **ABDUL QUDDHOSE,J.**

The suit has been filed for recovery of money. The case of the applicant/plaintiff is that they have been cheated by the defendants 1 to 3, who had executed a Sale Deed in favour of the plaintiff, which has been subsequently declared to be null and void by a competent civil Court. Since the Sale Deed has been declared null and void, the plaintiff has filed the suit for recovery of money for the alleged loss suffered by them on account of illegal and fraudulent Act of the respondents 1 to 3/defendants 1 to 3. The plaintiff has filed the suit for recovery of sum of Rs.4,35,01,042/- together with interest and costs against the defendants jointly and severally.

2. O.A.No.430 of 2021 has been filed by the applicant/plaintiff seeking for an interim injunction restraining the respondents 3 and 4/defendants 3 and 4 from registering a Sale Deed in favour of the respondent-5, who is the Agreement Holder. The property, which is the subject matter of O.A.No.430 of 2021, is a different property owned by the respondents 3 and 4 than the property, which was earlier illegally and fraudulently sold to the applicant/plaintiff, which was declared to be null and void by a competent Civil Court. This Court, by its earlier order dated



28.07.2021, granted an order of injunction in favour of the applicant/plaintiff as prayed for in O.A.No.430 of 2021 and the said order of interim injunction has been extended periodically by this Court and the same was also extended until further orders on 18.08.2021.

3. Mr.Rajmakesh, learned counsel for the second respondent/second defendant has also not raised any serious objection for allowing this application, as the property of the second respondent/second defendant is not involved in O.A.No.430 of 2021. No counter affidavits have been filed by any of the respondents till date stating their objections.

4. For the foregoing reasons, this Court is making the order of interim injunction granted by this Court on 28.07.2021 in O.A.No.430 of 2021 absolute. Accordingly, O.A.No.430 of 2021 is allowed as prayed for.

5. All the defendants have been duly served, as seen from the cause list and the second defendant is also represented by Mr.Rajmahesh, learned counsel. Learned counsel for the second defendant seeks time to file the written statement. The remaining defendants are set ex-parte by this Court. Post the matter for filing of the written statement by the second defendant on 04.01.2022.



6. The learned counsel for the applicant/plaintiff is permitted to inform the concerned Sub Registrar to record the injunction order granted by this Court on 28.07.2021 in O.A.No.430 of 2021, which was made absolute today and the same shall also be recorded in the records of the Sub Registrar.

06.12.2021

srn



WEB COPY



ABDUL QUDDHOSE,J.

Srn

O.A.No.430 of 2021
in
C.S.No.233 of 2021

06.12.2021