



O.A. Nos.104 and 105 of 2021
in
C.S. No.66 of 2021

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ABDUL QUDDHOSE, J.

The respondents have been duly served in O.A. No.105 of 2021 and they are represented by learned counsels. The suit has been filed for partition and for permanent injunction. The plaintiffs have stated that they claim right under a Will dated 08.01.1997 executed by their grand father, in which the 1st defendant was granted life interest and after his life time, the defendants 3 and 4 and the plaintiffs were entitled to the subject property absolutely. However, according to the plaintiffs, defendants are attempting to alienate / encumber the suit schedule property despite the same.

2. By order dated 21.04.2021, this Court after observing that a prima facie case has been made out by the applicants /plaintiffs and after observing that the balance of convenience is in their favour granted an order of interim injunction as prayed for in O.A. No.105 of 2021 restraining the respondents / defendants from alienating / encumbering the suit schedule property pending disposal of the suit.



O.A. Nos.104 and 105 of 2021
in
C.S. No.66 of 2021

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3. On the last hearing date, this Court granted a final opportunity to the respondents to file the counter and posted the matter today for counter and disposal. There is no representation on the side of the respondents/ defendants today. No counter has also been filed by the respondents / defendants, till date.

4. This Court is satisfied with the reasons stated in the affidavit filed in support of O.A. No.105 of 2021 and is inclined to make the interim injunction granted by this Court on 21.04.2021 absolute. In the instant application, the triple tests a) prima facie case b) balance of convenience and c) irreparable injury has been satisfied by the applicants / plaintiffs as seen from the affidavit and documents filed in support of O.A. No.105 of 2021. Accordingly, interim injunction granted by this Court on 21.04.2021 in O.A. No.105 of 2021 is made absolute and this application is allowed.

5. Since this Court is making the injunction absolute in O.A. No.105 of 2021, no separate orders need be passed in O.A. No.104 of 2021. Accordingly, O.A. No.104 of 2021 is closed.

6. Post the matter for filing of the Written Statements by the respective defendants on 14.02.2022.

21.01.2022



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O.A. Nos.104 and 105 of 2021
in
C.S. No.66 of 2021

ABDUL QUDDHOSE, J.

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O.A. Nos.104 and 105 of 2021
in
C.S. No.66 of 2021

21.01.2022