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C.M.P.No.27031 of 2023

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in

S.A.No.852 of 2023

P.T.ASHA, J.,

The petitioner/appellant before this Court is the plaintiff in a suit O.S.No.130 of 2009 filed for specific performance. The plaintiff has lost in both the Courts below.

2. This second appeal has been admitted only on the question as to “Whether the Court below was right in relegating the plaintiff to initiate separate proceedings in recovery of advance amount which the defendant states as a loan transaction ?”

3. This petition is taken out for injunction restraining the defendant from alienating the suit schedule property. Considering the fact that this Court has admitted the second appeal only for the alternative relief and since no case has been made out in the affidavit filed in support of this petition, this petition seeking injunction is dismissed.

01.12.2023



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