



A.No.326 of 2023
in C.S.No.73 of 2023

K.KUMARESH BABU,J.

The suit has been filed seeking for recovery of a sum of Rs.3,98,00,000/- with future interest at the rate of 12% per annum or in an alternative sought for an mandatory direction to direct the defendants to execute a sale deed in respect of the 'B' and 'C' schedule properties and also for various other reliefs.

2.The case of the plaintiff is that the defendants 1 to 3 had borrowed a sum of Rs.3,00,00,000/- (Rupees Three Crores only) originally from the applicant and that they have jointly executed an undertaking that they would jointly repay the amount of sum of Rs.3,00,00,000/- (Rupees Three Crores only) which they have borrowed from the plaintiff. The said undertaking had been produced as the plaint document No.8. The 1st defendant herein, by an further undertaking dated 11.03.2022, which has been produced as the plaint document No.11, and in that agreed to execute Power of Attorney in respect of six apartments measuring about 7,000 sq.ft., in lieu of sum of Rs.2,10,00,000/- (Rupees Two Crores and Ten Lakhs only) from and out of the total loan amount of Rs.3,50,00,000/- (Rupees Three Crores and Fifty Lakhs only) on or before 30.06.2022.



WEB COPY

3.Relying on the said document, learned counsel appearing for the applicant would submit that the respondents/ defendants had neither repaid the amount as promised in the undertaking nor the 1st respondent/ 1st defendant had executed the Power of Attorney in respect of his undertaking in plaint document No.11. He would further submit that the defendants are trying to deal with the property so as to defeat the rights of the claim of the applicant/ plaintiff. Hence, he seeks for an injunction.

4.Considering the plaint document Nos. 8 and 11, wherein, the defendants have agreed to repay the loan that has been availed by them from the applicant and also that the time line given in the said undertaking have not been adhered to, there shall be an order of interim injunction as prayed for in this application.

5.Issue notice to the respondents/ defendants returnable by 13.06.2023.
Private notice is also permitted.

6.List the case on 13.06.2023.

17.04.2023

gba



WEB COPY



K.KUMARESH BABU,J.

Gba

A.No.326 of 2023
in C.S.No.73 of 2023



WEB COPY

