



O.A.No.304 of 2024

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KRISHNAN RAMASAMY, J.,

In the present case, this Court issued notice to the respondents and also granted an order of interim injunction against the respondent vide order dated 17.04.2024, which reads as follows:

“This application has been filed to grant an order of interim injunction restraining the 2nd respondent from selling, alienating, transferring, parting with the possession of, dealing with, disposing of, inducting anyone into or developing or creating any third party right or interest of whatsoever in respect of their property morefully described in the schedule to the Judges Summons.

2. Issue notice to the respondent, returnable by 03.06.2024. Private notice is also permitted.

3. The learned counsel for the applicant would submit that the respondent had borrowed money from the applicant for the purchase of vehicle by virtue of agreement dated 29.03.2019 and since the said loan was not repaid by the respondent, the applicant had invoked the Arbitration clause. Accordingly, the award was passed on 11.05.2022 for a sum of Rs.14,04,275.35.

4. Further, he would contend that since the details with



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regard to the hypothecated vehicle and movable and immovable assets of the respondent are not available with the applicant, he is not in a position to execute the aforesaid award. Under these circumstances, now the applicant came to know about the details with regard to one of the immovable properties of the applicant, which has been mentioned in the schedule to the Judges summons. Hence, he seeks for an order of interim injunction.

5. Considering the submission made by the applicant, that though the award was passed as early as on 11.05.2022, the subject vehicle is not traceable till date, this Court is of the view that the applicant had made out a prima facie case and the balance of convenience is also in favour of the applicant. Further, if this Court refused to grant interim injunction as prayed for in this application, the interest of the applicant would be affected prejudicially. Therefore, this Court is inclined to grant an order of interim injunction.

6. Accordingly, there shall be an order of interim injunction till the next date of hearing.

7. Post this matter on 03.06.2024.”

2. The notice, ordered by this Court, was served to the respondents and



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the names of the respondents were also printed in the cause list. However, today there is no representation on behalf of the respondents, which shows that they are not interested in contesting this matter.

3. Therefore, considering the submissions made by the learned counsel for the applicant and in view of the interim order passed by this Court, this Court is satisfied and is inclined to make the said interim order as absolute. Accordingly, the interim order already granted by this Court vide order dated 17.04.2024 is made absolute.

4. With the above directions, this original application is disposed of.

26.06.2024

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