

IN THE COURT OF DISTRICT JUDGE, ERNAKULAM DIVISION

Present:-

Smt. Honey M. Varghese, District Judge

Thursday, the 8th day of August, 2024/17th Sravana, 1946

I.A.No.1 of 2024 in A.S. No.85 of 2024

Petitioner/Appellant:-

Arun Abraham, Aged 50 years, S/o A. A. Abraham, Residing at Alakkaparambil House, Kaloor.P.O., Elamkulam Village, Ernakulam District, Kochi-682017.

By Adv.M/s.Lal K.Joseph, P.Muraleedharan, Sanjay Sellen,
Adithya S Puthezhath, Akash George, Sonia Shibu, Luxy
T.A and Aamina Rafeek

Respondents/Respondents:-

1. M/s. Jyoman Builders Pvt. Ltd, Nambiar Buildings, Sastha Temple Road, SRM Road, Cochin- 682018, Rep by its Managing Director Sri.K.Vinod Kumar, S/o.V.C.Nair, A-2, Vyshnavam, Valiaparambil Road, Elamakkara, Ernakulam-682026.
2. P.R.Prakashan, S/o Ratnakaran, aged 59, Padanezhath House, Vaduthala Desom, Ernakulam.
3. E. P. Suleman, aged 69 years, S/o K.P Kunji Avaru, Ilayedathu Puthenveetil, Post Thiruwathrar Via, Chavakkad, Thrissur-680516.
4. T.P. Sajan, Advocate, Cochin, Receiver/Liquidator appointed by the Company Court, in C.P No:37/1998, Pin-682 031.
5. Roy Charles, aged 71, S/o.Charley Jose Panickassery, Panickassery House, Cemetery Junction, Ernakulam North P.O, Emakulam-682018.
6. Joy Charles, aged 68, S/o.Charley Jose Panickassery, Panickassery House, Cemetery Junction, Ernakulam North P.O, Ernakulam-682018.
7. M/s EP Builders & Developers LLP, Building No.66/4271, 1st Floor, Safa Complex, Sannidhi Road, Sub Road of M G Road, Ernakulam rep.by its Partner E P Suleman.

This petition is filed under Order XLIII Rule 2 r/w Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, praying this court to pass an interim temporary injunction restraining the respondents 1 to 3 and 7, their men and agents from trespassing into injunction schedule property/plaint A schedule property in the original suit, from encumbering the plaint A property by any means of lease assignment, mortgage, sale etc and from doing any act detrimental to the interest of the petitioner/appellant in peaceful enjoyment over the Injunction schedule property /plaint A schedule property in the original suit.

This petition coming on for hearing on 08.08.2024 and the court on the same day, passed the following:-

ORDER

Heard.

2. This petition is filed under Order 39 Rule 1 and Section 151 of the CPC to pass an interim order of injunction restraining the respondents 1 to 3 and 7, their men and agents from trespassing into plaint A schedule property in the original suit, from encumbering the plaint A schedule property by any means of lease assignment, mortgage, sale etc. and from doing any act detrimental to the interest of the petitioner in peaceful enjoyment over the plaint A schedule property. It is submitted that there is every chance to allow the appeal in his favour.

2. I have gone through the appeal memorandum and perused the available records. Somany grounds are mentioned in the appeal memorandum to allow the appeal in favour of the petitioner. If the order of temporary injunction is

not granted, the petitioner may not be able to enjoy the fruits of the appeal.

3. Hence an interim order of injunction is granted restraining respondents 1 to 3 and 7, their men and agents from trespassing and encumbering the plaint A schedule property by any means of lease assignment, mortgage, sale etc. and from doing any act detrimental to the interest of the petitioner in peaceful enjoyment over the plaint A schedule property till 01.10.2024.

Comply order 39 Rule 3 of the CPC. Issue notice to respondents. For return of notice- call on 01.10.2024.

Pronounced b y me in open court on this the 8th day of August, 2024.

Sd/-

Honey M.Varghese
District Judge

sk/-
Comp.by:

I.A.No.1/2024 in
A.S. No.85 of 2024
Order dated 08.08.2024