

HAJI OMAR

v.

WICKREMASINGHE AND ANOTHER

SUPREME COURT
AMERASINGHE, J.,
PERERA, J. AND
WEERASEKERA, J.
S.C. H.C. NO. 28/98
FEBRUARY 8, 1999

An action for invalidation of a sale of property by the Seylan Bank – Interim injunction – Basis and scope of interim relief – an interim injunction to prevent the issue of the certificate of sale was refused by the trial court – whereupon the plaintiff filed a petition seeking an order on the purchaser and the Bank inter alia, restraining them from demolishing or alienating the property – The court issued an interim injunction to that effect.

Held:

The basis of injunctive relief should be the plaint and the prayers contained therein; it is not designed to prevent other activities of the parties to an action.

APPEAL from the order of the Commercial High Court.

K. N. Choksy PC, with Harsha Soza, G. G. Arulapragasam and Ms. K. Wijetunga for the appellants.

Ikrum Mohamed PC, with T. Wijeyagunawardana and Ms. A. T. Shyama Fernando for plaintiff-petitioner-respondent.

Romesh de Silva PC, with Palitha Kumarasinghe for 1st defendant-respondent-respondent.

Cur. adv. vult.