

Case: **KB-2023-001609**

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

BEFORE THE HON. MRS JUSTICE HEATHER WILLIAMS DBE

18 APRIL 2023



KB-2023-001609

BETWEEN :-

SHAM PAL SOOD

Applicant / Claimant

-AND -

VISHAL SOOD

Respondent / Defendant

ORDER

UPON the Applicant's application notice seeking an injunction preventing the Respondent from selling properties known as 7 Hoveton Way, Oakwood Gate, Ilford IG6 2GP, 13 Spectrum Tower, Hainault Street, Ilford, IG1 4GZ and 86 City View, Centreway Apartment, Ilford IG1 1NH ("the three properties")

AND UPON the without notice injunction granted by Mrs Justice McGowan dated 5 April 2023 staying any proposed sale of the three properties until the return date hearing on 18 April 2023

AND UPON the further documents submitted to the Court by the Applicant under cover of letters dated 11 and 14 April 2023

AND UPON hearing Mr Rahman, Counsel for the Applicant

AND UPON the Respondent not attending the return date hearing or otherwise communicating with the Court in relation to the same

AND UPON the Court not being satisfied that the Defendant has been properly served with the order dated 5 April 2023 and/or notified of today's hearing

AND UPON the Applicant accepting that he has not thus far filed a claim form in relation to these proceedings

AND UPON the Applicant undertaking to file a claim form in these proceedings by 4pm on 20 April 2023

AND UPON the Court giving an oral judgment at the hearing on 18 April 2023, indicating that the stay would be extended only until 4pm on 21 April 2023

IT IS ORDERED THAT:

1. The stay of the sale of the properties provided for in paragraph 2 of the order dated 5 April 2023 is extended until 4pm on 21 April 2023.
2. If the claim form is not filed in accordance with the undertaking referred to above by 4pm on 20 April 2023 the stay will lapse.
3. No order as to costs.

REASONS:

1. As indicated in more detail in the Court's oral judgment, there are a number of reasons why I am not prepared to grant the relief sought. In short, I am not satisfied that the Respondent has been properly notified of this hearing; no proceedings have been started in circumstances where the criteria in CPR 25.2(2) does not appear to be met, at least by the time of this hearing; the causes of action are unclear; and there have been County Court proceedings regarding the sale of these three properties (B01BO837) ongoing for a number of years and no sufficient explanation has been provided as to why the 5 April 2023 application was not brought in those proceedings or, if they were at an end (although I have been shown no order to that effect) new proceedings were not issued in the County Court that was already familiar with the previous litigation and had access to the orders made. I am also concerned that it appears that the Applicant has only given the Court a partial account of relevant matters, in particular in relation to the County Court proceedings.
2. However, appreciating that simply discharging the injunction at this stage could cause irrevocable prejudice in circumstances where the picture before me is less than clear, I have

been persuaded to extend the injunction granted on 5 April 2023 for a very limited basis, in order to enable the Applicant to make an application for relief in the County Court proceedings (if still ongoing) / to the County Court that heard those proceedings. I made clear in my oral judgment that I do not envisage the extension that has been granted extending beyond 21 April 2023 or there being a need for a further hearing before this Court.

3. I have also made provision for the position to be regularised in terms of the issue of a claim form in these proceedings.

18 April 2023