



Neutral Citation Number: [2019] EWHC 440 (Ch)

Case No: HC-2015-001000

**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**  
**CHANCERY DIVISION**

The Rolls Building  
7 Rolls Buildings  
Fetter Lane  
London EC4A 1NL

Date of hearing: Friday, 25<sup>th</sup> January 2019  
Start Time: **11:12** Finish Time: **11:20**

Before:

**MRS. JUSTICE FALK**

Between:

**PRITPAL SINGH GILL**

**Claimant**

- and -

**(1) ANAMI HOLDINGS LIMITED**

**Defendants/**

**(2) CLARK HILL LIMITED**

**Respondents**

-and -

**(3) ENILO INTERNATIONAL LIMITED**

**Proposed**

**(4) VITALITY ESTATES LIMITED**

**Additional**

**(5) PROPRIO INVESTMENTS LIMITED**

**Defendants/**

**(6) PANANVEER BACHRA**

**Respondents**

**MR. PETER IRVIN** for the **Claimant**

**THE DEFENDANTS/RESPONDENTS** did not appear and were not represented

**Approved Judgment**

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**MRS. JUSTICE FALK:**

1. This is an urgent without notice application by the claimant for an interim injunction in existing proceedings. By the application the claimant seeks to prevent the defendant and proposed additional defendants, who are alleged to be nominees or effective nominees for the defendants or persons controlling the defendants, taking possession of the claimant's family home in which he lives with a number of members of his family. That property is currently being advertised for sale at auction or by private treaty, at the behest of one or more of the proposed additional defendants. I was told that the auction is due to be held on 5th February, but that the property may be sold earlier by private treaty. The advertised price is £1.5 million, although I am informed that the true market value of the property is considered to be substantially in excess of that.
2. A trial of the underlying action in these proceedings is listed for a five-day window beginning in March 2020. In that action the claimant seeks to challenge a settlement agreement entered into and recorded in a consent order in 2014. The consent order related to earlier proceedings taken by the defendants against the claimant. It required the claimant to pay £2.5 million and provided for a charge to be given securing that amount, essentially over the property in question. The terms of the charge were settled in a later order made by Norris J. Those terms specifically state that the mortgage was not creating any obligation on the part of the mortgagor beyond the £2.5 million debt, the subject of the consent order.
3. There are two odd wrinkles. First, the mortgagor was a company called Berkeley Reality Ventures Limited, which I understand was the owner of the property, rather than the claimant. The second more significant wrinkle is that the mortgage is stated to be in favour of an entity called Enilo International Limited (“Enilo”). This company was not involved in the earlier proceedings but appears to be some form of nominee entity for the defendants.
4. I am informed that Enilo is a company registered in the Marshall Islands, although confusingly there is a company of the same name in the UK. Given the involvement of all the parties in the UK and the fact that the application before me relates to existing proceedings in the UK and UK property, I have given leave to serve Enilo, which is one of the proposed additional defendants, out of the jurisdiction.
5. The present proceedings were commenced in 2015, and as already indicated they challenge the settlement agreement reflected in the consent order. I understand that there have been numerous attempts by the defendants to get rid of the current action by various means including summary judgment and strike out, which have so far failed.

Approved Judgment

6. Most importantly for the purposes of this decision, an order was made by His Honour Judge Raeside on 17th July 2017 that there be a stay on enforcement by the defendants of the consent order pending final determination of this action. That stay remains in place. Based on the evidence I have seen, the steps that have been taken towards a sale of the property appear to be in breach of the stay even though the steps were not, on the face of it, taken by the named defendants.
7. I understand that, as a first step, Enilo purported to appoint, or did appoint, a receiver to enforce the charge over the property. The receiver then sold the property, for what appears to have been a relatively nominal sum of £100,000, to the second proposed additional defendant Vitality Estates Ltd (“Vitality”). It appears that Vitality in turn on-sold the property at a much higher price to Proprio Investments Ltd (“Proprio”), and that entity is seeking to make the sale now. I understand that the proposed sixth defendant is an individual associated with Vitality and Proprio.
8. Based on the evidence before me it seems clear to me that the sale by Enilo of the property was in breach of the order for stay, and that if the current proposed sale at auction or by private treaty proceeds then the purpose of the stay will be frustrated.
9. In the circumstances it is appropriate to add the proposed additional defendants as parties and to grant an injunction until a return date. I have set a return date of next Friday (1 February) or as soon as possible thereafter.

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