

Original Application No.477 of 2015**K.RAVICHANDRABAABU, J**

This original application is filed under Section 9 of the Arbitration and Conciliation Act, seeking for interim injunction as follows:

To restrain the respondents their men, agents, servants or any one claiming under them or acting on their behalf from in any way to deal with property which is morefully described in schedule "D" here under either by way of selling, alienating or encumbering or in any other manner whatsoever pending disposal of the arbitration proceedings.

2.The respondent filed a counter affidavit wherein it is stated at paragraph No.5 that the schedule mentioned property sought to be injuncted was sold out to one Godha Devi on 26.03.2014 vide document No.3715 of 2014. It is further submitted that the arbitral proceedings have already been commenced in O.P.No.107 of 2015 and the respondent herein has also entered appearance before the Tribunal.

3. Considering the fact that the subject matter sought to be injuncted in this application is sold by the respondent even before the date of filing this application and considering the fact that an arbitral proceedings have been initiated and the same is pending in O.P.No.107 of 2015, I am of the view that the contention of the respective parties in respect of the dispute have to be raised and agitated only before the arbitral proceedings, as this court by

K.RAVICHANDRABAABU,J.

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exercising the power under section 9 cannot go into the merits of the claim. However, as the subject matter viz., schedule 'D' has been sold, this application is closed with liberty to both the parties to agitate before the Tribunal by raising all the averments raised in the affidavit filed in support of the application. Accordingly, this application is closed.

04.09.2015

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