

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

O.S.A.No.152 of 2015

G.Sivakumar

... Appellant

-vs-

1. Central Registrar of Co-operative Societies,
Ministry of Agriculture and Co-operation,
Krishi Bhavan,
New Delhi - 110 001.
2. The Additional Registrar of Co-operative
Societies, No.91, St. Marys Road,
Abiramapuram, Chennai.
3. The Railway Employees Co-operative
Credit Society Limited,
Ashok Vihar Complex,
Old Zoo Road (Near Central Railway Station),
Chennai - 600 003.
4. N.Manivannan

... Respondents

Appeal filed under Order 36 Rule 9 of the O.S. Rules read with Section 15 of the Letters Patent against the decretal order and order dated 20.03.2015 passed in O.A.No.139 of 2013 on the file of original side of this Court.

For Appellant : Mr.Balan Haridas
For Respondents : Mr.A.Jenasenan for RR 3 & 4
: No appearance for R-2
: Not ready in notice reg. R-1

J U D G M E N T
(Judgment of the Court was delivered by The Hon'ble Chief
Justice)

Learned counsel for the appellant submits that the elaborate judgment of the learned Single Judge mostly deals with the issue whether there is a valid and subsisting arbitration clause and in the proceedings under Section 11 of the Arbitration and Conciliation Act, 1996, that aspect has been found in favour of the appellant and the matter has been referred to arbitration.

2.The aforesaid being the position, we put to learned counsel for the appellant as to why the appellant should not approach the Arbitrator for any interim protection, since the arbitration is to commence.

3.We find no satisfactory answer to our query and we feel that once the arbitration remedy is available, the aspect of any interim measures would be best considered by the Arbitrator, who would have the conspectus of the whole case before him. Needless to say, the observation made in the context of there being no valid arbitration clause would not survive and all issues are open.

4.Original Side Appeal is, accordingly, closed, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

sra

Sub Assistant Registrar

To

The Sub Assistant Registrar,
Original Side Section,
High Court, Madras.

+1cc to Mr.A.Jenasenan, Advocate, S.R.No.69067

+1cc to Mr.Balan Haridas, Advocate, S.R.No.68928

O.S.A.No.152 of 2015

VD(CO)

CA(11/01/2016)