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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.S.A.Nos.33 and 34 of 2015
and
M.P.No.1 of 2015 in O.S.A.No.33 of 2015
and
M.P.No.2 of 2015 in O.S.A.No.34 of 2015

M/s.Lister Technologies Private Limited,
No.232, V.M.Street,
Mylapore, Chennai-600 004
rep. by Nithya Rajasundaran ... Appellants in both OSAs.

vs.

1.Mukundhan Dakshinamurthi

2.Adroit Consultancy Services Pvt. Ltd.,
F3, Kuberam Flats II, Plot No.250 B,
9th street, Kuberan Nagar Extension,
Madipakkam, Chennai-600 091,
represented by its Director
Mukundhan Dakshinamurthi ... Respondents in both OSAs.

Appeals filed under Clause 15 of the Letters Patent read with
Order XXXVI, Rule 9 of Original Side Rules against the common order
made in Application No.2425 of 2014 and O.A.No.276 of 2014, dated
03.09.2014.

A.No.2425 of 2014:

Application praying that this Hon'ble Court be pleased to pas an
order for suspension of the business activities of the 2nd respondent
company.



O.A.No.276 of 2014:

Original Application praying that this Hon'ble Court be pleased to pass an order of injunction restraining the 1st Respondent from approaching the customers of the Applicant Company and interfacing in any manner with or attempting to divert any contract or business opportunity of the Applicant Company, and also soliciting business form or contract for any business purpose in any manner whatsoever, which competes directly or indirectly with the business of the Applicant Company.

For Appellant : Mr.P.S.Raman
Senior Counsel
for M/s.N.V.S. & Associates

For Respondents : Mr.S.Suresh

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

Learned counsel for parties before us, have taken a fair stand and thus, the appeals are disposed of in the following terms:

- (1)The observation made in the impugned common order being prima facie in character, would not affect the final adjudication in the arbitration proceedings.
- (2)Since arbitration proceedings have not been commenced yet, it is proposed and agreed that Justice K.Venkataraman, a retired Judge of this Court, be appointed as the Sole Arbitrator to enter upon the reference, who shall, after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of this order.
- (3)The learned Arbitrator is at liberty to fix the remuneration and other incidental expenses, which shall be borne equally by both the parties.
- (4)All pleas and defences as are available in law are open to be raised before the Arbitrator by the parties.



No costs. Consequently, all connected Miscellaneous Petitions are closed.

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Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

Bbr

To

The Sub Asset Registrar Original Side,
High Court, Madras.

+2cc to M/s.N.V.S. Associates, Advocate, S.R.No.11237

+1cc to Mr.S.Suresh, Advocate, S.R.No.11081

O.S.A.Nos.33 & 34 of 2015
and Connected Mps

TEJ(CO)
CA(11/03/2015)