

O.A.Nos.550 to 552 of 2016, 672 of 2016  
A.Nos.4158 to 4160 of 2016 and 4185 of 2016

**RAJIV SHAKDHER, J.**

A.Nos.4158 to 4160 of 2016

1. These are applications preferred seeking vacation of interim order granted on 29.07.2016 in O.A.Nos.550 to 552 of 2016.

2. Counsel for the applicant / original respondent says that a suit being : O.S.No.2383 of 2016, has been filed in the City Civil Court at Bengaluru, on 22.03.2016, in which, an application under Section 8 has been filed by the original applicant, i.e., the applicant in O.A.Nos.550 to 552 of 2016.

2.1. Learned counsel for the applicant / original respondent says that the said suit will be withdrawn, in view of the arbitration agreement obtaining between the parties.

3. Quite clearly, the applicant is seeking to travel in two boats, at the same time. The applicant is required to choose one of the two remedies. Thus, at the moment, no relief can be granted in the applications.

3.1. I am further informed by learned counsel for the parties

that the Hon'ble The Chief Justice, in a petition moved under Section 11 of the Arbitration and Conciliation Act, 1996 (for short "the 1996 Act"), vide order dated 19.08.2016, has appointed Mr.S.Rajagopalan, a former District Judge, as the Sole Arbitrator ; to adjudicate upon the disputes obtaining between the parties.

4. Accordingly, the captioned applications will be placed before the learned Arbitrator, who shall pass appropriate orders qua them by treating them as applications filed under Section 17 of the 1996 Act.

5. The captioned applications are disposed of, in the aforesaid terms.

O.A.Nos.550 to 552 of 2016

6. In view of the orders passed in As.No.4158 to 4160 of 2016, these applications are also disposed of, with a direction that they be placed before the learned Arbitrator, who shall pass appropriate orders, after completion of pleading and after hearing the parties, by treating them as applications filed under Section 17 of the 1996 Act.

7. Pending disposal of the applications, order dated 29.07.2016 will continue to operate.

8. Needless to say that the learned Arbitrator will be at liberty, after hearing parties, to modify, vary or vacate the order.

A.No.4185 of 2016

9. Issue notice. Mr.Amshith Hege, accepts notice on behalf of the respondent.

10. This is an application, whereby, the applicant seeks direction of this Court to punish the respondent for disobeying the order dated 29.07.2016, passed in O.A.No.550 of 2016, by attaching the properties of the respondent morefully described in the schedule appended to the Judges Summons and by committing the respondent to a Civil prison.

11. Learned counsel for the respondent says that the respondent has taken all steps in consonance with the order of this Court. For this purpose, photographs are brought to Court, which would facially demonstrate that a cloth was placed on the hoarding outside the respondent's business premises.

11.1. Though, this action of the respondent does not suffice, counsel for the applicant says that the applicant would be satisfied, if

this Court were to direct the respondent to comply with the directions of this Court contained in the order dated 29.07.2016, in true letter and spirit. In other words, the applicant expects the robust measures to be taken by the respondent and not just that a cloth is put on the hoarding outside his business premises.

11.2. In response, learned counsel for the respondent says that necessary steps will be taken to comply with the order dated 29.07.2016. Learned counsel assures the Court that the respondent will take down the hoarding outside the business premises, which, displays the brand name and trade mark of the applicant so as to comply with the order dated 29.07.2016 in its true letter and spirit. Counsel also undertakes to the Court that further steps will be taken in consonance with the directions obtaining in the order dated 29.07.2016.

12. Based on the aforestated undertaking, the captioned application is disposed of.

13. Needless to say that this undertaking will obtain till further orders are passed by the learned Arbitrator in O.As.No.550 to 552 of 2016 and in Applications No.4158 to 4160 of 2016.

A.No.672 of 2016

14. In view of the fact that the learned Arbitrator has been appointed to adjudicate upon the disputes, this application shall also be placed before the learned Arbitrator, who shall treat the same, as an application filed under Section 17 of the 1996 Act.

15. The learned Arbitrator is requested to take up this application in the first instance, and, if convenient along with O.A.Nos.550 to 552 of 2016 and A.Nos.4158 to 4160 of 2016.

15.1. For this purpose, learned counsel for the parties will appear before the Arbitrator on 08.09.2016 at 3.00 p.m.

15.2. In case the aforesaid date is not convenient, the learned Arbitrator would be at liberty to fix a date proximate to the aforesaid date, after ascertaining the convenience of the learned counsel for the parties.

RAJIV SHAKDHER, J.

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16. The captioned application is, accordingly, disposed of.

29.08.2016

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**Note : Issue copy of the  
order on 06.09.2016**

A.Nos.4158 to 4160 of 2016  
and 4185 of 2016  
O.A.Nos.550 to 552 of 2016,  
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