

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE RAJIV SHAKDHER

O.A.No.61 of 2016

M/s.Great Industrial Constructions
Private Limited,
Rep. by its Managing Director,
P.Shanmugam,
8/42, Maharaja Surya Road,
Alwarpet, Chennai-18.

... Applicant

Vs

M/s.Aviron Constructions,
Rep. by its Director,
Jokin Jayapaul,
5/21, Abirami Nagar West,
Tuticorin 626 006.

... Respondent

Original Application filed under Order XIV Rule 8 of High Court Original Side Rules read with Section 9(2) of the Arbitration and Conciliation Act, 1996, pleased to grant an order of interim injunction restraining the respondent, their men, agents, servants and any one claiming through them from and in any manner entering into the construction site at the schedule property, which is morefully described in the application schedule till the conclusion of the arbitration proceedings to be initiated by the applicant.

For Applicant : Mr.R.Munusamy

For Respondent : No appearance

ORDER

1. There is no representation, on behalf of the respondent. Situation was no different, on the previous date, i.e., 16.09.2016.

2. Interim order was passed, by my predecessor, on 05.02.2016. This interim order, has continued to operate to date.

3. Furthermore, vide order dated 22.07.2016, the respondent, was directed, to name its nominee arbitrator and also, the details, with regard to the arrears of rent, payable towards hire charges of scaffolding and the rate at which, rentals would be payable in the future. The respondent has not acted, on the order, dated 22.07.2016.

4. I have asked the counsel for the applicant, as to whether, steps have been taken, to initiate arbitration in the matter. Learned counsel for the applicant concedes, as of today, no steps have been taken by the applicant, to initiate arbitration proceedings.

5. In these circumstances, the captioned application is closed. The interim order is made absolute, subject to the condition, that the applicant will initiate arbitration proceedings in accordance with law, within a period of two weeks from the date of receipt of a copy of the order, failing which, the interim order will dissolve automatically.

04.11.2016

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RAJIV SHAKDHER, J.

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