

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2017

CORAM

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

O.S.A.No.11 of 2017
and
C.M.P.No.994 of 2017

M/s.Brown Stone Foundations (P) Ltd.,
having Regd. Office at "Chella Mall",
No.108, I Floor, Door No.11/11A,
Sir Theagaraya Road,
Pondy Bazaar, T.Nagar,
Chennai-600 017,
rep. by its Director Mr.K.S.Sreedhar. Appellant

Vs

A.Geetha Respondent

Appeal filed under Order XXXVI, Rule 11 of Original Side Rules read with Clause 15 of Letters Patent against the order dated 22.09.2016 made in Application No.343 of 2016 on the file of this Court.

For Appellant : Mr.Kalyanasundaram
Senior Counsel
for M/s.K.Radhakrishnan

JUDGMENT

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

The dispute inter se the parties has already been referred to the Arbitrator. The learned Single Judge has granted interim protection, which is almost in the nature of security for the benefit of the appellant by recording an undertaking of the respondent-land owner not to alienate, transfer or create any third party interest in one of the flats.

2. The learned Senior Counsel for the appellant, however, seeks to contend that the total amount he seeks would be secured only by two flats. We are of the view that there is a mistaken belief of the appellant as if a decree has been passed. It is the claim of the appellant. The claim is yet to be adjudicated by forum, which in the present case would be the Arbitrator.

3. Despite this, the appellant has been secured by an injunction against one of the flats on the concession recorded on the part of the respondent and the learned Single Judge has gone on to state that there is a liberty even to move the Arbitrator. We are of the view that the impugned order suffers no infirmity at all. The learned Single Judge has been more than considerate, while considering the interim relief, in the nature of the dispute.

4. The appeal is dismissed, leaving the parties to bear their own costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.K.Radhakrishnan, Advocate, S.R.No.5114

O.S.A.No.11 of 2017

KJI (CO)
CA(06/02/2017)

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