

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

O.S.A No.453 of 2018
and
C.M.P.No.21061 of 2018

Oriental Cuisines Pvt. Ltd.,
rep. by its Authorized Signatory
Ramanarayanan

...Appellant/Appellant

-vs-

1.M/s.S Foods rep. by its
Proprietor S.Senthooor
Having its Registered Office at
No.110, Rayar Garden,
Sriramapuram, Srirangam,
Trichy - 620 006.

...R1 Respondent

2.Swaminathan Mala,
Proprietor of Flavours,
Having Office at
No.1, Rams Maris, Lawson Road,
Cantonment, Trichy - 620 001.

...R2/Proposed Respondents

(R2 impleaded vide order dated 15.11.2018
in C.M.P.No.17802 of 2018 in
O.S.A.SR. 67158 of 2018)

Original Side Appeal filed Under Order XXXVI Rule 1 of O.S.
Rules r/w Clause 15 of the Letter Patent and Section 37(1)(a) of
the Arbitration and Conciliation Act, 1996 against the order
of this Court passed in O.A.No.319 of 2018 dated 04.07.2018.

O.A.No.319 of 2018

Filed to grant an order of interim injunction restraining the Respondent their agents nominees assignees or anyone claiming through them to continue to run the Restaurant viz FLAVOURS at NO.1 Lawsons road Catonment Trichy Trichy 620 006. pending arbitration.

For Appellant : Mr.Sankar Raman,
Sr. Counsel

for M/s.Koushik N.Sharma

For Respondents : Mr.K.K.Shivashanmugam for R1

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

Though this appeal is filed against the order passed by the learned single Judge in the application filed under Section 9 of the Arbitration and Conciliation Act, 1996 we are not inclined to go into the merits of the case for more than one reason. Admittedly, an honourable former Judge of this Court has been appointed as an Arbitrator. The first respondent did not have any objection for the above said appointment. Therefore, it would only be appropriate to ask the parties to ventilate their grievances before the learned Arbitrator including interim relief.

2.In such view of the matter, this original side appeal stands disposed of giving liberty to the appellant to file appropriate application before the learned Arbitrator.

3.In view of the above, all the findings rendered by the learned single Judge stand set aside. Thus, we request the learned Arbitrator to decide the application to be filed on its own merit without being influenced by any of the observations made by the learned single Judge or by us in this appeal.

4.Considering the facts and circumstances of the case, we request the learned Arbitrator to pass appropriate orders on the interim application to be filed by the appellant within a period of six weeks from the date of filing of such an application. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

mmi

To

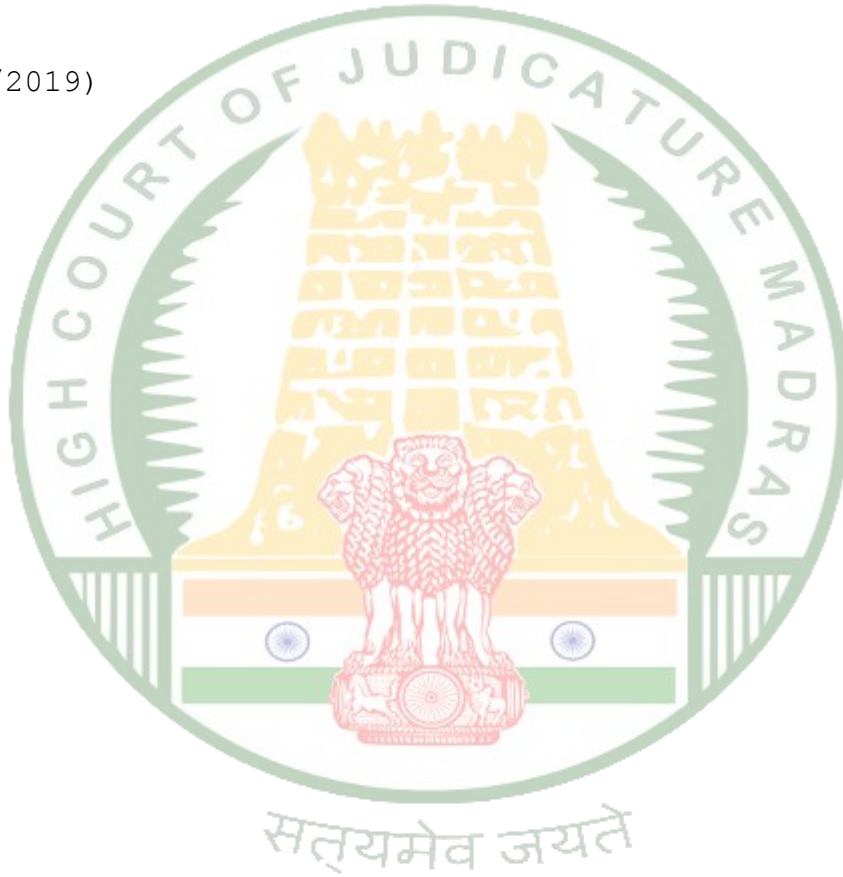
1.The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1cc to Mr.K.K.Shivashanmugam, Advocate, S.R.No.88602

+1cc to Mr.Koushik N.Sharma, Advocate, S.R.No.89031

O.S.A.No.453 of 2018

EV (CO)
GSP (01/02/2019)



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