

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2019

CORAM:

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

O.S.A. Nos. 193 & 194 of 2019

O.S.A.No.193 of 2019

- 1.Jumbo World Holdings Limited  
Sea Meadow House,  
Blackburne Highway,  
Road Town, British Virgin Islands.
- 2.Dandvati Investments and Trading Company Ltd  
5<sup>th</sup> Floor, "The International",  
16, New Marine Lines,  
Cross Road No.1,  
Churchgate, Mumbai - 400 020. ....Appellants

vs

- 1.SNP Ventures LLP,  
Rep. by its General Manager C.P.Subash,  
(formerly known as SNP Ventures Pvt Ltd)  
Door No.4, Plot No.20,  
Shanthi Street,  
Dr.Seethapathy Nagar,  
Velacherry,  
Chennai - 600 042.
- 2.Embassy Property Developments Private Limited,  
Rep. by its Director K.Y.Gopikrishnan,  
(formerly Dynasty Developers Pvt Ltd),  
150 Embassy Point,  
150 Infantry Road,  
Bengaluru - 560 001. ....Respondents

Prayer in OSA 193 of 2019: Appeals under Order XXXVI Rule IX of O.S. Rules read with Clause 15 of Letters Patent against the fair and decretal order dated 07.08.2019 passed in A.No.1192 of 2019 against A.No.7256 of 2018 in O.P.No.891 of 2015 and consequently allow the reliefs sought for in A.No.1192 of 2019 in O.P.No. 891 of 2015 on the file of this Court.

For Appellants : Mr.Anirudh Krishnan

For Respondents : Mr.A.Thayaparan  
for 1<sup>st</sup> respondent  
: Mr.Madan Babu  
for 2<sup>nd</sup> respondent

O.S.A.No.194 of 2019

Embassy Property Developments Private Limited,  
(formerly Dynasty Developers Pvt Ltd),  
150 Embassy Point, 150 Infantry Road,  
Bengaluru - 560 001. ...Appellant

vs

- 1.SNP Ventures LLP,  
Rep. by its General Manager C.P.Subash,  
(formerly known as SNP Ventures Pvt Ltd)  
Door No.4, Plot No.20, Shanthi Street,  
Dr.Seethapathy Nagar,Velacherry,  
Chennai - 600 042.
- 2.Jumbo World Holdings Limited  
Sea Meadow House, Blackburne Highway,  
Road Town, British Virgin Islands.
- 3.Dandvati Investments and Trading Company Ltd  
5<sup>th</sup> Floor, "The International",  
16, New Marine Lines, Cross Road No.1,  
Churchgate, Mumbai - 400 020.

...Respondents

Prayer in OSA 194 of 2019: Appeals under Order XXXVI Rule IX of  
O.S. Rules read with Clause 15 of Letters Patent to set aside  
the order dated 07.08.2019 in Appl No.693 of 2019 in O.P.No. 891  
of 2015 and consequently dismiss A.No.7256 of 2018 in O.P.No.  
891 of 2015.

For Appellant : Mr.Madhan Babu

For Respondents : Mr.A.Thayaparan  
for 1<sup>st</sup> respondent

For Appellant : Mr.Madhan Babu  
: Mr.Anirudhkrishnan  
: for respondents 2 and 3

COMMON JUDGMENT  
(Delivered by M.M.SUNDRESH, J.)

The specific case of the first respondent in both the appeals is that they are the owner of the land and, therefore, if the pending application under Section 34 of the Arbitration and Conciliation Act, 1966 (for short 'the Act') is decided one way or the other, the same will have a bearing on their title. After the filing of the appeals, much water has flown under the bridge. In the original petition filed under Section 34 of the Act, an order was passed in the Application No.6642 of 2019 in O.P.No.891 of 2015, dated 15.10.2019, which is extracted hereunder:-

"This application is filed to permit the applicant/third party to intervene in the Original Petition O.P.No.891 of 2015. I heard the learned counsel for the applicant/third party and the learned counsel for the petitioner and the respondent in the O.P.

2.Both the petitioner in O.P.No.891 of 2015 and the respondent in the said O.P. filed affidavits relating to this application through their respective authorized signatories.

3.Upon examining the said affidavits, the learned counsel for the applicant submitted on instructions, that the applicant is satisfied with the averments therein and is agreeable to the application being disposed of by recording the terms of the said affidavits. The learned counsel for the petitioner and the respondent in the O.P. are also agreeable to this course of action.

4.Accordingly, this application is disposed of in terms of the affidavit dated 04.10.2019 filed on behalf of the petitioner and the affidavit dated 14.10.2019 filed on behalf of the respondent. Both the said affidavits shall form part of the order.

5.The order in the application is without prejudice to the rights of the contesting parties in the O.P. as

against each other.

6.List the Original Petition on 08.11.2019 at 2.15 p.m along with A.No.6816 of 2019 and A.No.2795 of 2019."

2. Thus, the grievance of the first respondent has been sufficiently satisfied. Accordingly, the appeals stand disposed of. We make it clear that the disposal of the appeals will not stand in the way of the first respondent to work out the remedy in the event of any breach of the order passed aforesaid. No costs. Consequently, connected C.M.P.Nos. 17683 and 17686 of 2019 is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ssm

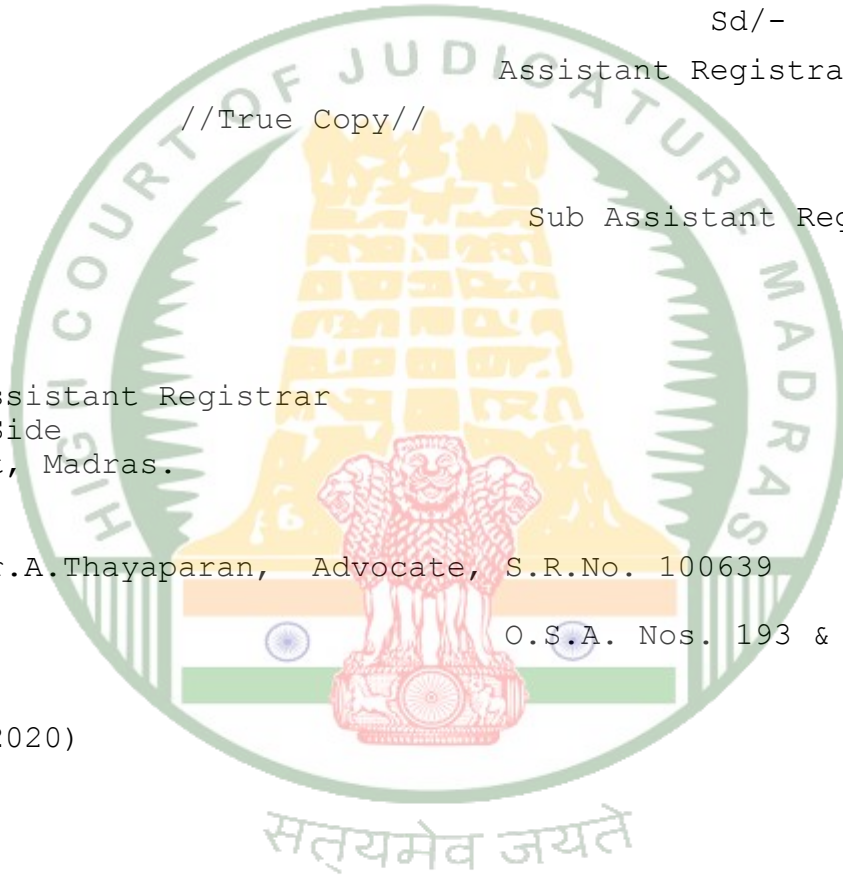
To

The Sub Assistant Registrar  
Original Side  
High Court, Madras.

+1cc to Mr.A.Thayaparan, Advocate, S.R.No. 100639

O.S.A. Nos. 193 & 194 of 2019

MP(CO)  
GN(21/01/2020)



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