

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.A.No.133 of 2020

1.Mr.G.V.Adhimoolam,
Door No.63,
R.S.Road,
Pallipalayam,
Erode – 638 006.

2.Mr.A.Vijay Raj,
Door No.63,
R.S.Road,
Pallipalayam,
Erode – 638 006.

... Applicants

Mr.S.Asaithambi,
S/o.Sengoda Gounder,
Aged about 56 years,
Door No.101, Tiruchengode Road,
Pallipalayam, Near Vikram Theatre,
Erode – 638 006.

सत्यमेव जयते

Versus

.. Respondent

PRAYER : Application filed under Order XIV Rule 8 O.S.Rules read with Section 9 (1)(d) of Arbitration and Conciliation Act, 1996, to grant an order of Ad-Interim injunction restraining the respondent or his men or his servants or employees or agents or anybody claiming through him from alienating the property described in the Judges Summons pursuant to the Agreement of

Undertaking dated 28.12.2017, entered into between the Applicants and respondent until disposal of the Arbitral proceedings.

For Applicants : Mr.P.J.Sri Ganesh
For Respondent : No appearance

ORDER

This application has been filed to grant an order of Ad-Interim injunction restraining the respondent or his men or his servants or employees or agents or anybody claiming through him from alienating the property described in the Judges Summons pursuant to the Agreement of Undertaking dated 28.12.2017, entered into between the Applicants and respondent until disposal of the Arbitral proceedings.

2. Heard the learned counsel for the applicants through video conferencing.

Despite service of notice, none appears on behalf of the respondent.

3. It is the contention of the learned counsel for the applicants that the dispute has been referred to sole arbitrator viz., The Hon'ble Mr.Justice N.Authinathan, Retired Judge of this Court. He has also entered reference as this application has been filed to protect the immovable property from alienation. This Court has already pass an order granting interim injunction in this application.

Hence, the learned counsel for the applicant submitted that as reference has already been entered by the arbitrator, the interim order already passed by this Court shall continue till the arbitration proceedings gets over by the arbitrator.

4. This Court is of the view that as there is no representation for other side, as this Court has passed a detailed order in this application on 28.02.2020, granting ad interim injunction restraining the respondent from alienation pending presentation of the dispute and as the dispute itself regard to the nature of financial transaction between the parties, the order passed by this Court shall continue till the arbitration proceedings gets over. Liberty is granted to the respondent to seek any modification in later point of time.

5. With the above observations, this application is closed.

10.07.2020

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking
gsk

WEB COPY

O.A.No.133 of 2020

N.SATHISH KUMAR, J.

gsk



O.A.No.133 of 2020

WEB COPY

10.07.2020