

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30/7/2020

C O R A M

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Application Nos.7274 of 2019

and

O.A.886 of 2019

1. M. Sivalingam
2. S. Mukundhan
3. S. Surendhar

...

Applicants in
both the applications

Vs

1. Jagadeeswari
2. M. Ashok Kumar
3. Sarath Kumar

...

Respondents in
both the applications

Applications filed under Order XIV Rule 8 of Original Side Rules, r/w. Section 9 (2) (d) (e) of the Arbitration and Conciliation Act, 1996.

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For applicants ...
(in both the applications)

Mr. S.Parthasarathy
Senior Counsel

For respondents ...
(in both the applications)

Mr.R. Subburaj

COMMON ORDER

Application No.7274 of 2019 has been filed to direct the respondents to furnish security to the extent of Rs.7,99,99,999/- failing which attach the immovable properties belonging to the respondents as given in the schedule hereto and the Judges Summons.

2. Application No.886 of 2019 has been filed to pass an order of Ad interim injunction restraining the respondents or his men or any other representatives, agents herein from alienating, transferring, disposing, bringing to sale, creating any sort of encumbrance over the properties as given in the Schedule hereto and the Judges Summons pending disposal of the Arbitral proceedings.

3. Today, when the matters are taken up for hearing, through Video Conferencing, Mr.S.Parthasarathy, learned Senior Counsel, learned counsel appearing for the applicants submitted that Application No.7274 of 2010 has been filed originally under Section 9

of the Act, prior to the appointment of Arbitrator. Now, reference has entered into by the Arbitrator, former Judge of the Hon'ble Supreme Court and the applicant is willing to approach the Arbitrator for appropriate relief, if any arises, under Section 17 of the Act.

4. In such a view of the matter, no further order is required to be passed. Accordingly, **Application No.7274 of 2019 is closed.** Parties have to work out their remedy before learned Arbitrator.

5. Interim order already granted by this Court in O.A.No.886 of 2019, is extended till 15/8/2020. Thereafter, this order will not continue and the same stands automatically vacated. It is for the applicants to file appropriate application, under Section 17 of the Act, before the Tribunal and canvass their cases.

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mvs.

A.No.7274 of 2019

N.SATHISH KUMAR,J

mvs.



Application Nos.7274 of 2019
and
O.A.No.886 of 2019

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