

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.08.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.A.No.1118 and 1119 of 2019

M/s Southern Brothers Cuisinee Pvt. Ltd.,
rep. by its director Mr. D.Santhanam,
having registered office at No.1, 8th street,
Dasarathapuram Main Road,
Saligramam, Chennai - 93.

Presently at

Ground Floor, Pinnacle International Tech Park,
CSIR Road, Taramani,
Chennai 600 113.

... Applicant in both original
applications

Vs.

1. M/s Bhimaas Drive Inn pvt. Ltd.,
No.6, South Perumal Street,
Vadapalani, Chennai 600 026.

2. M/s Tidel Park Limited,
No.4, Rajiv Gandhi Salai,
Taramani, Chennai 600 113.

... Respondents in both
original applications

Prayer in O.A.No.1118 of 2019: Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9(d) the Arbitration and Conciliation Act, 1996 to grant an order of interim injunction restraining the 2nd respondent, their men, agents, or any other person from in any way interfering with the applicant in the process of vacating the food court premises for a period of 90 days.

Prayer in O.A.No.1119 of 2019: Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9(d) the Arbitration and Conciliation Act, 1996 to grant an order of interim injunction restraining the 2nd respondent, their men, agents, or any other person from using the food court for a period of 90 days.

For Applicant : Mr.P.Mahadevan Savitha Devi

For Respondents : Mr.N.C.Ramesh, Senior Counsel
for Mr. N. Damodaran (for R2)

ORDER

This court by an order dated 12.03.2020 appointed Mr.K.M.D.Muhilan as Advocate Commissioner to identify the items belonged to the applicant to be removed from the area. After inspection, the Advocate Commissioner has filed a report indicating that the item shown in annexure 'A' is absolutely belonged to the applicant and as for as the items shown in the Annexure 'B' is concerned, there is a dispute

between the parties with regard to the ownership of the materials.

2. The learned counsel appearing for the second respondent submitted that if the applicant is able to show the materials to the Advocate Commissioner to substantiate his claim over the items shown in annexure 'B', they have no objection to allow applicant to remove those items.

3. Though this court directed the applicant to remove the items and vacate the premises within 15 days from 12.03.2020, the applicant has not done so. However, taking note of the present pandemic situation, one more chance is given to the applicant to remove all the items, identified by the Advocate Commissioner in the Annexure 'A'.

4. As far as the items shown in the Annexure 'B' is concerned, the applicant should produce the relevant materials to the Advocate Commissioner to substantiate his version and then remove those items, including the items shown in the Annexure 'A', on or before 28.08.2020 by giving prior intimation to the Advocate Commissioner and the Advocate Commissioner shall present in the place at the time of removing the items. In the event of failure in utilizing this opportunity and removing the items from the premises of the 2nd respondent by the applicant, it is well open to the second respondent to remove the items after taking inventory and keep the same in a separate room under locking.

5. Additional remuneration of the Advocate Commissioner is fixed at Rs.20,000/- and the same shall be paid directly to the Advocate Commissioner by the applicant.

6. Post the matter on 01.09.2020 for reporting compliance.

06.08.2020

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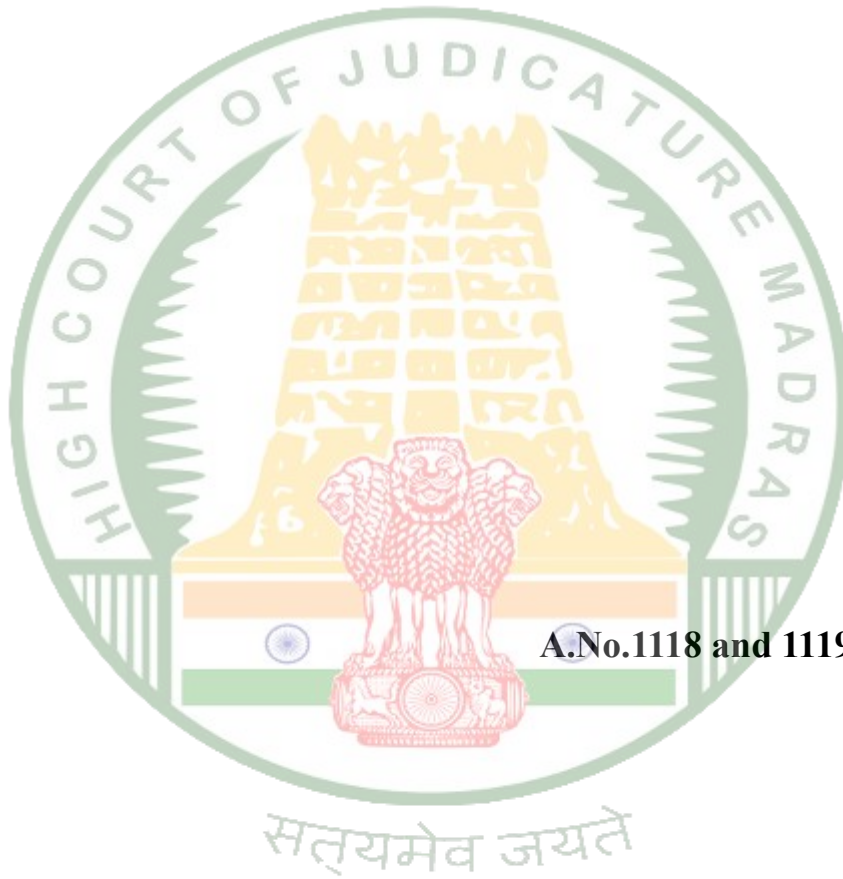


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N.SATHISH KUMAR, J.

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