

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.A.No.1193 of 2019

Senthil Kumar,
S/o Rangasamy,
17-2, 3rd Street, Sastri Nagar,
Annadhanapatti, Salem 635 002. ... Applicant

Vs.

Kotak Mahindra Bank Ltd,
Commercial Banking Branch,
8th Floor, Zone II, TVH Agnito Park,
141, Old Mahabalipuram Road,
Kandhanchavadi ... Respondent

Prayer: This Original Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9(1)(i)(d) of Arbitration and Conciliation Act, 1996 to issue an order of interim injunction restraining the respondent, their men, agents, etc., from any way interfering with the possession of the Lorry having registration No.KA 01 AH 7164 pending the arbitral proceedings between the applicant and the respondent and the passing of an award therein.

For Applicant : Mr.R.Rajan and Mr.R.Sidharth

For Respondent : Mr.K.Moorthy

This court by an order dated 30.12.2019, has passed an interim direction restraining the respondent from interfering with the possession of the lorry having Registration No.KA 01 AH 7164, pending the arbitral proceedings between the applicant and the respondent, on condition that the applicant himself also shall not alienate the lorry till the disposal of this application and shall take steps to initiate arbitration proceedings and invoke arbitration clause, within a period of four weeks.

2. The learned counsel appearing for the applicant submitted that already notice was issued to the respondent intimating the intention of initiating arbitration proceedings by appointing an Arbitrator Mr.Rathinamani to enter upon the reference and conduct the proceedings, whereas, the learned counsel appearing for the respondent has mentioned a different name of the Arbitrator. However, the respondent has not taken appropriate steps for appointment of such Arbitrator. It is submitted by the learned counsel for the petitioner that due to pandemic situation, they could not appoint arbitrator.

3. Having regard to the above facts and circumstances and after hearing both sides and also taking into note of the pandemic situation, further period of four weeks time is granted from today, to initiate the arbitration proceedings and to invoke the arbitration clause.

4. Accordingly, interim order already granted by this court dated 30.12.2019 is extended for a further period of four weeks from today. In the event that the arbitrator is not appointed within a period of four weeks, interim order already granted by this court shall be vacated automatically,

without any further reference to this court. It is open to the applicant that after appointment of Arbitrator, he can move a petition under Section 17 of the Arbitration and Conciliation Act before the Arbitrator, seeking interim order.

4. With the above direction, this petition is closed.

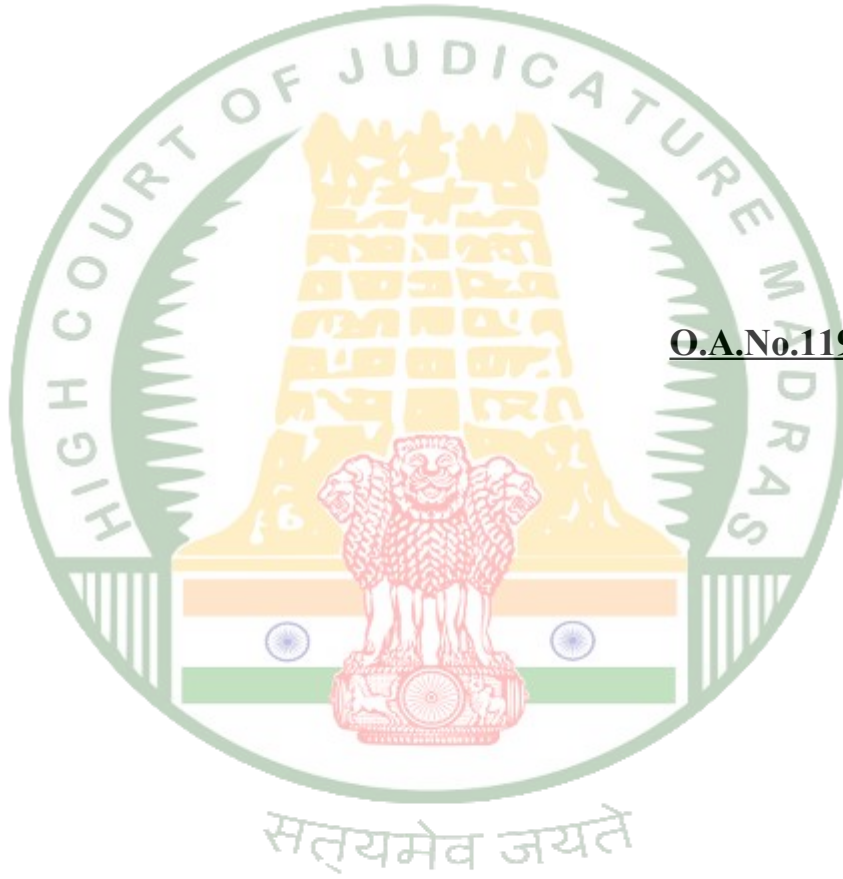
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