

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.A.Nos.60 and 61 of 2021

Bhaves N Saiya ... Applicant in both applications

Vs.

Kalyaniji K Saiya ... Respondent in both applications

Prayer in O.A.No.60 of 2021: Judges summons filed under Order

IV Rule 8 of the Original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 to pass an order of ad-interim Injunction, restraining the respondent, his licensees, assignees, agents and representatives from interfering with the running of business having shop No.3 in Door Old No.138, New 239,

Royapettah High Road, Luz, Mylapore, Chennai – 600 004, and peaceful possession held by the applicant.

Prayer in O.A.No. 61 of 2021: Judges summons filed under Order IV Rule 8 of the Original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 to pass an order of ad-interim Injunction, restraining the respondent, his licensees, assignees, agents and representatives from dealing with the business carried under the name and style of Choice Centre with any third parties till the conclusion of the Arbitration proceedings between parties hereto or till an order is passed by the Arbitrator in that regard.

For Applicant : Mr.M.Sriram
in both applications

For Respondent : Mr.S.Kalyanam
for Mr.G. Venkatesh
in both applications

COMMON ORDER

These applications are filed seeking ad-interim Injunction, restraining the respondent, his licensees, assignees, agents and representatives from interfering with the running of business having Shop No.3 in Door Old No.138, New 239, Royapettah High Road, Luz, Mylapore, Chennai – 600 004, and peaceful possession held by the applicant and dealing with the business carried under the name and style of “Choice Centre” with any third parties till the conclusion of the Arbitration proceedings between parties hereto or till an order is passed by the Arbitrator in that regard.

2.After arguing the matter, both the parties have consented that the disputes that have now arisen between the parties shall be referred to the arbitration in terms of Clause 18 of the Partnership Deed dated 01.04.1998.

3. In the light of the above circumstances, this Court is passing the following order:

i) Mrs.G.Thligakavathi, Senior Advocate, residing at No.1, Appavu Avenue, I Floor, Mandapam Road, Kilpauk, Chennai – 600 010, Contact No.9003134217, is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) The learned Arbitrator may, after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. It is open to the respondent to raise all legal objections as to the validity of contract.

iii) The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses as per law.

iv) The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

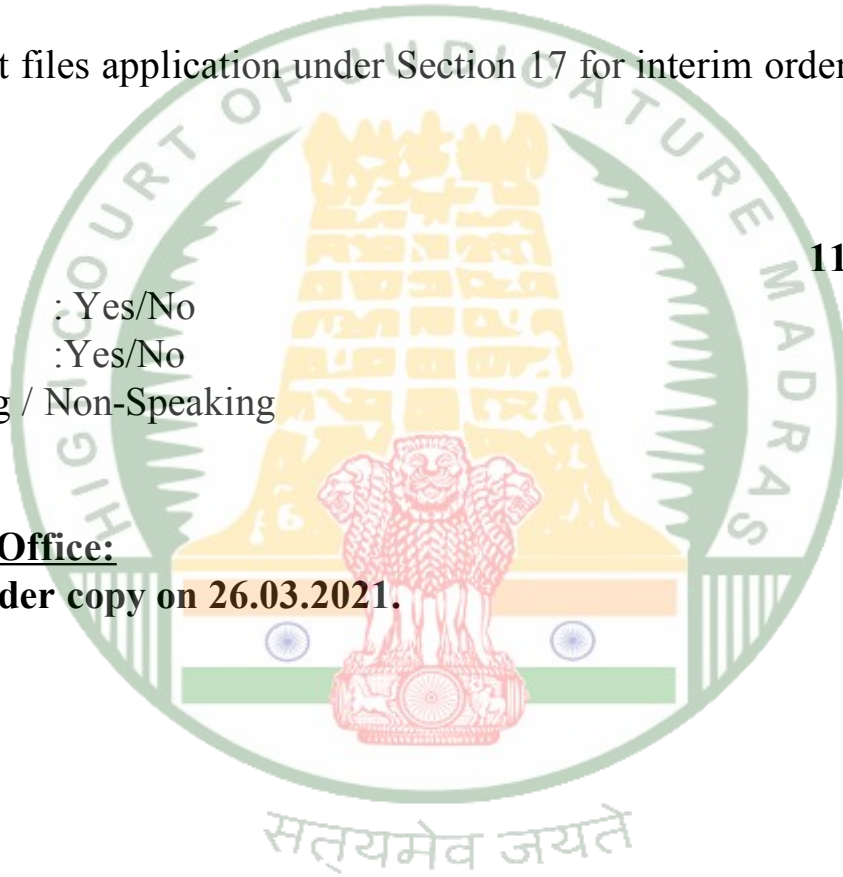
4.The Original Petitions are accordingly allowed, leaving the parties to bear their own costs. Interim orders already granted shall be extended till the Arbitral Tribunal enters reference and the applicant files application under Section 17 for interim orders.

11.03.2021

Internet : Yes/No
Index : Yes/No
Speaking / Non-Speaking
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Note to Office:

Issue order copy on 26.03.2021.



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P.T. ASHA, J.

mps



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