



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 23RD DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE N.SATHISHKUMAR

O.A. No.103 of 2021

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of disputes
between Mrs.Sangeetha and
M/s.Yes Bank Limited arising
under Loan Agreement dated
22.05.2018 bearing Contract
No.CVL000500337691

1. Mrs.S.Sangeetha,
No.1/187, Bharathiyar Street,
Singaperumal Koil,
Kancheepuram-603 204.

2. Mr.S.Sarguru,
No.1/187, Bharathiyar Street,
Singaperumal Koil,
Kancheepuram-603 204.

... Applicants

-Versus-

M/s.Yes Bank,
No.3, 2nd Floor, Dass India Towers,
2nd Line Beach Road, Parrys-600 001.

... Respondent

Original Application praying that this Hon'ble Court be pleased to

grant an ad interim injunction restraining the respondent, their men, agents,

servants etc., from taking possession of the vehicle namely Ashok Leyland



Multi Axle bearing Registration No.TN 87 A 1069 Engine No.JEEZ411419 and Chassis No.MBICTCHDSJEEA5293 morefully described in the Judges Summons from the possession of the Applicant.

This original application coming on this day before this court for hearing in the presence of M/s. Neelananarayanai for Mr.Hasan Mohammed Jinnah, Advocates for the applicant herein and the respondent herein not appearing in person or by advocate and upon reading the order herein dated 25.03.2021, and this court having observed that the order dated 24.02.2021, granted ad-interim injunction, on condition that the applicant shall deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) within a period of four weeks, to the credit of O.A.No.103 of 2021, however, the same is not complied nor Arbitration is invoked, party once gets an interim protection under Section 9 of the Act has to initiate Arbitration within 90 days which has not been done so, it is ordered as follows:-

That the order of interim injunction granted in pursuance of the order dated 24.02.2021 made in O.A.No. 103 of 2021 restraining the respondent therein, their men, agents, servants etc., from taking possession of the vehicle namely Ashok Leyland Multi Axle bearing Registration No.TN 87 A 1069 Engine No.JEEZ411419 and Chassis No.MBICTCHDSJEEA5293,



2. That the O.A. No.103 of 2021 be and is hereby dismissed.

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3. That the applicant herein shall be at liberty to invoke arbitration proceedings before the Arbitrator.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
23rd DAY OF JUNE 2021.

Sd./-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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O.A. No.103 of 2021

ORDER

DATED : 23.06.2021

THE HON'BLE MR.JUSTICE
N.SATHISHKUMAR

FOR APPROVAL: 13.07.2021

APPROVED ON: 14.07.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23/6/2021

C O R A M

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

O.A.No.103 of 2021

1. S. Sangeetha

2. S. Sarguru ... Applicants

Vs

YES Bank ... Respondent

Original Application has been filed under Order XIV Rule 8 of Original Side Rules, r/w. Section 9 (ii) (d) & (e) of the Arbitration and Conciliation Act, 1996, to grant an ad-interim injunction restraining the respondent, their men, agents, servants etc., from taking possession of the vehicle namely Ashok Leyland Multi Axle bearing Registration No.TN87A-1069, Engine No.JEEZ411419 and Chassis No.MBICTCHDSJEEA5293 morefully described in the Judges Summon from the possession of the applicant.

For applicants ... Ms.Neelanarayani
for Mr.Hasan Mohamed Jinnah

For respondent ... No appearance

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**ORDER**

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This Original Application has been filed to grant an ad-interim injunction restraining the respondent, their men, agents, servants etc., from taking possession of the vehicle namely Ashok Leyland Multi Axle bearing Registration No.TN87A-1069, Engine No.JEEZ411419 and Chassis No.MBICTCHDSJEEA5293 morefully described in the Judges Summon from the possession of the applicant.

2. Heard Ms.Neela Narayani, learned counsel for the applicants and there is no representation for the respondent.

3. Ms.Neela Narayani, learned counsel appearing for the applicants submitted that arbitration has not been invoked.

4. This Court, vide, order, dated 24/2/2021, granted ad-interim injunction, on condition that the applicant shall deposit a sum of Rs.3,00,000/- (Rupees Three lakhs only), within a period of four weeks, to the credit of O.A.No.103 of 2021. However, the same is not complied nor Arbitration is invoked. Party once gets an interim protection under

Section 9 of the Act has to initiate Arbitration within 90 days which has not

been done so.



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5. In such a view of the matter, this Original Application is dismissed. Order, dated 24/2/2021, stands vacated. Liberty is granted to the applicant to invoke arbitration proceedings before the Arbitrator.

Sd./-(N.S.K.J.,)

23/6/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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