

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16/6/2021

C O R A M

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

Original Application No.137 of 2021

Shan Holiday Inn Pvt Ltd
rep. By its M.D.
No.85 Poonamallee High Road
Koyambedu
Chennai 600 107.

Applicant

Vs

1. Simsan Finance
rep. By its Partners
Mahatma Srinivasan
Sulochana Srinivasan

2. Mahatma Srinivasan

3. Sulochana Srinivasan

Respondents

Original Application filed under Order XIV Rule 8 of Original Side Rules to pass an order of injunction restraining the respondents, their men, agents or anyone acting under them from in anyway continuing the management services in the Hotel, originally named as M/s. Shan Royal and named as Hotel Simsan by respondents at Door No.85, Poonamallee High Road, Koyambedu, Chennai 600 107, morefully described in the Schedule.

For petitioner

... Mr.J.Srinivasa Mohan

For respondents

... Mr.Sukrith Parthasarathy

ORDER

This Original Application has been filed, to pass an order of injunction, restraining the respondents, their men, agents or anyone acting under them from in anyway continuing the management services in the Hotel, originally named as M/s. Shan Royal and named as Hotel Simsan by respondents at Door No.85, Poonamallee High Road, Koyambedu, Chennai 600 107, morefully described in the Schedule.

2. Heard Mr.J.Srinivasa Mohan, learned counsel for the petitioner and Mr.Sukrith Parthasarathy, learned Counsel for the respondents, through Video Conferencing.

3. Today, when the matter was taken up for hearing through Video Conferencing, learned counsel appearing for the applicant would submit that the respondent have to pay a sum of Rs.15 lakhs (Rupees fifteen lakhs only) towards the monthly license fee. But the learned counsel appearing for the respondents disputed the said amount.

4. Learned counsel appearing for the applicant would further submit that the respondents are opening the letters addressed to the applicant and redirecting the same to the sender.

5. Since there is a dispute with regard to the payment of monthly license fee, learned counsel appearing on either side, prays this Court to appoint an Arbitrator to

settle the dispute amicably.

6. Accordingly, this Original Application is ordered as follows:-

i) Mr.N.Paul Vasanthakumar (Ret.) Former CJ of Jammu and Kashmir, “ASHIRVADH”, No.24 A, II Street, Kamaraj Avenue, Adyar, Chennai 600 020 (Contact No.9444390958), 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 respondents 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 Schedule of the Act.

7. The respondents are directed not to open the letters which are addressed to the appellant nor redirect the same to the sender.

8. The Original Appln is, accordingly, allowed, leaving the parties to bear

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Index: Yes/ No

Internet: Yes/No

Speaking Order/Non-speaking Order

mvs.

To

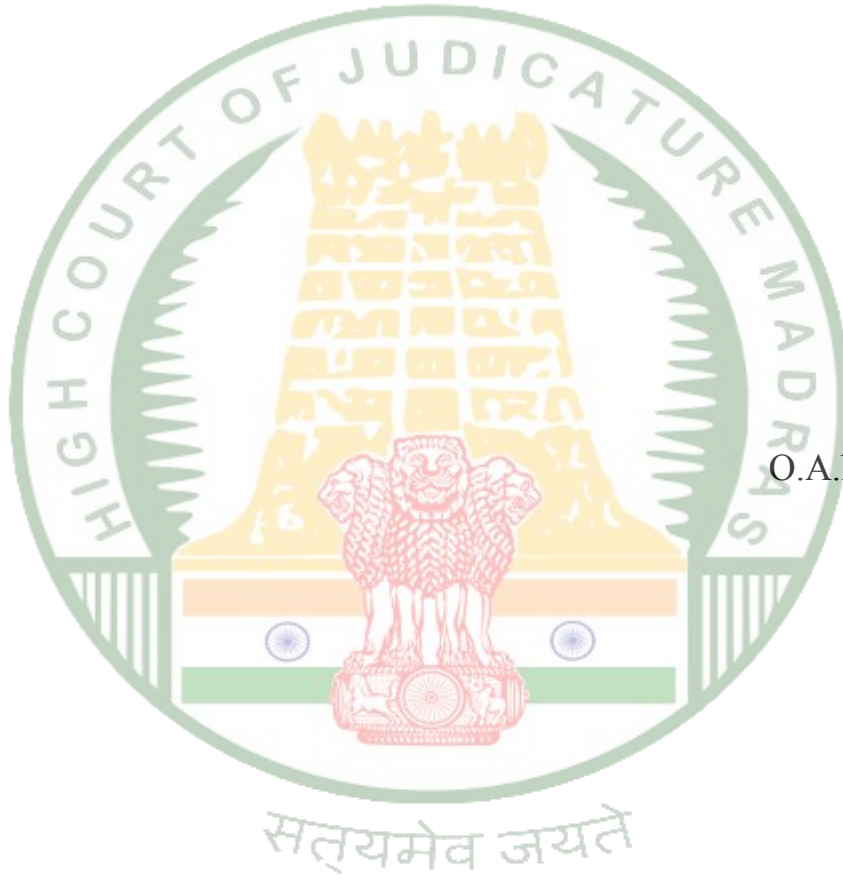
Mr.N.Paul Vasanthakumar (Ret.),
Former CJ of Jammu and Kashmir,
“ASHIRVADH”, No.24 A, II Street,
Kamaraj Avenue,
Adyar,
Chennai 600 020



WEB COPY

N.SATHISH KUMAR,J

mvs.



O.A.No.137 of 2021

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N.SATHISH KUMAR, J.

This application is listed today under the caption for being mentioned at the instance of the learned counsel for the applicant.

2. It is submitted by the learned counsel appearing for the applicant that already a sum of Rs.30 lakhs has been paid. However, the learned counsel appearing for the applicant submitted that the monthly license fee of Rs.15 lakhs and the property tax has to be paid regularly by the respondents.

3. The above contention was disputed by the learned counsel appearing for the respondent. The learned counsel appearing for the respondent submitted that the monthly license fee is only Rs.7.5 lakhs,

4. The above aspects have to be decided only before arbitral tribunal. The learned counsel for the applicant submitted that the payment of license fee and the property has been omitted to be incorporated in the Order.

5. In view of the above submissions, the following paragraph has to be incorporated as paragraph 9 in the Order in O.A.No.137 of 2021 dated 16.06.2021.

“9. The license fee at the rate of of Rs.7,50,000/- admitted by the respondent shall be paid continuously every month by the respondent. Besides, the property tax due also shall be paid by the respondent and the same shall be adjusted towards the original amount payable to the applicant.”

4. The other aspects contained in the Order dated 16.06.2021 shall continue.

5. The registry is directed to incorporate the above and issue fresh Order copy to the parties.

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01.07.2021

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