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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 29th DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.1433 of 2021

In the matter of the Arbitration &
Conciliation Act, 1996

And

In the matter of Lease Agreement Dated
22nd August 2018.

ELNET Technologies Ltd,
Represented by its Managing Director
Mrs.Unnamalai Thiagrajan,
Elnet Software City, TS 140,
Block 2 &9, Rajiv Gandhi Salai,
Taramani, Chennai 600013.

.. Applicant

-Vs-

Cloud Pencils Pvt. Ltd.
Represented by its Director
Elnet Software City, Module 51B,
5th Floor, TS 140 Block 2 & 9,
Rajiv Gandhi Salai,
Tharamani, Chennai 600113.

...Respondent

Application praying that this Hon'ble Court be pleased to direct the
respondent to furnish security for Rs.29,59,598/- within a time frame fixed
by this Hon'ble Court.



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This application coming on this day before this Court for hearing in the presence of Mr. Anand Sashidharan, Advocate for the applicant herein, and Mr. S. R. Rajagopal, Senior Counsel for Mr. K. P. Sanjeev Kumar, Advocates for the respondent herein and upon reading the Judges Summons and the Affidavit of Mr. Unnamalai Thiagrajan filed herein,

The Court made the following orders:

This application has been filed to direct the respondent to furnish security for a sum of Rs. 29,59,598/- within a time frame fixed by this Hon'ble Court.

2. Heard the learned counsel for the applicant and the learned counsel for the respondent.

3. Learned counsel for the applicant submitted that the respondent has committed default in paying the amounts due to the applicant. Hence, prays for furnishing security from the respondent.

4. The main contention of the learned counsel for the respondent that the possession has been handed over in the month of February, 2020 itself. Therefore, he contended that there is no need to furnish any security.

5. This Court has perused the materials available on record. The dispute appears to be with regard to vacating the premises. The applicant alleged that the possession is still with the respondent, whereas, the respondent submitted that the possession has already been handed over to the applicant in the month of February, 2020 itself. The very dispute is with regard to the handing over the possession. At this stage, no interim orders



can be passed by this Court. The dispute raised by both sides has to be resolved by the learned Arbitrator. In such view of the matter, liberty is granted to the applicant to approach the learned Arbitrator for any interim relief as per Section 17 of the Arbitration and Conciliation Act, 1996. In such view of the matter, interim orders sought by the applicant is rejected.

6. It is stated by the learned counsel for the respondent that the possession is already handed over to the applicant and the said submission is recorded.

7. In view of the said submission, if the possession is not handed over by the respondent as alleged by him, it is well open to the applicant to take possession from the respondent.

8. Accordingly, this application is closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
029th DAY OF JUNE 2021.

Sd./-

ASSISTANT REGISTRAR (Comm. Case)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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13.07.2021

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A.No.1433 of 2021

ORDER

DATED: 29.06.2021

THE HON'BLE MR.JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 14.07.2021

APPROVED ON :15.07.2021



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(ORDINARY ORIGINAL CIVIL JURISDICTION)

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Sd./-N.S.K.J
29.06.2021

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