



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

O.S.A.(CAD) NO.63 OF 2021

M/s.Sri Sreenivasa Constructions
rep. By its Authorised Signatory,
Dr.Kiran Kumar Reddy,
Regd. Office at Plot No.35, Street No.3,
Sugar Cooperative Housing Society,
Road No.2, Banjara Hills,
Hyderabad, and Branch office at Crescent Heights,
Opposite to St.Joseph Engineering College,
Old Mahabalipuram Road,
Chemmencherry, Chennai - 600 119.

... Appellant/Appellant

.Vs.

1. Shyamala Kumari
2. Mahendra Shanmuganathan
3. Vijaendra Shanmuganathan

... Respondents/Respondents

PRAYER:-

Appeal filed against the Order and Decree of this Court dated 01.07.2021 in O.A.No.200 of 2021 on the file of original side of this court.

Prayer in O.A.No.200 of 2021:-

To grant an order of interim injunction restraining the Respondents from revoking (or) cancelling the Power of Attorney dated 12/03/2018 adjudicated vide Adjudication No.39/2018 in the office of the Sub Registrar, Ashok Nagar and Power of Attorney dated 07/09/2018, registered Document No.6199/2018, Book I in the office of the Sub Registrar, Neelankarai pending Arbitration proceedings.

For the Appellant : Mr.G.Vivekanand

For the Respondents : Mr.K.V.Babu
For R-2



J U D G M E N T
(Delivered by the Hon'ble Chief Justice)

The petitioner in proceedings instituted in this court for obtaining interim measures under the Arbitration and Conciliation Act, 1996 is in appeal upon the order sought being declined by a judgment and order of July 1, 2021.

2. At the outset, it is submitted on behalf of the second respondent that it will be evident from the impugned order itself that the parties agreed to the appointment of an Arbitrator. The second respondent suggests that since the Arbitrator has entered upon reference and at least one sitting has already been held, the parties should be left to work out their remedies before the arbitral tribunal itself.

3. Accordingly, O.S.A. (CAD) No.63 of 2021 is disposed of by leaving the appellant free to apply under Section 17 of the Act before the Arbitrator, whereupon the Arbitrator may proceed to consider the same as expeditiously as possible and completely uninfluenced by the judgment and order impugned herein.

C.M.P.Nos.13293 and 13295 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

O.S.A. (CAD) NO.63 OF 2021

AJS (CO)
PBS/02/09/2021