



O.A. No.339 of 2023

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ABDUL QUDDHOSE, J.

M/s.Code,
rep. by its Authorised Signatory
Sivakumar

... Applicant

Vs.

M/s.Marvel Interiors,
rep. by Mohammed Faruk

...Respondent

This application has been filed under Section 9 of the Arbitration and Conciliation Act seeking for an order of injunction to restrain the respondent from trespassing, disturbing the tranquillity and peaceful functioning of applicant's work in the project sites and in the applicant's office, situated at No.17 (Old No.10), ARK Colony, Eldams Road, Alwarpet, Chennai - 600 018.

2.The applicant is an Interior Designer. The applicant had earlier appointed the respondent as its Sub Contractor in a particular site. Since the applicant was not satisfied with the services of the respondent, the applicant had terminated the sub contract. According to the applicant, despite termination, the respondent is trespassing and disturbing the tranquillity and peaceful functioning of applicant's work in its project site



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as well as in the applicant's office, situated at No.17 (Old No.10), ARK Colony, Eldams Road, Alwarpet, Chennai-600 018.

3.A counter affidavit has been filed by the respondent. In paragraph No.10 of the counter affidavit, the respondent has stoutly denied the allegations levelled by the applicant in this application. They have also categorically stated that at no point of time, they have indulged in anti social activities as alleged by the applicant.

4.Learned counsel for the applicant would submit that only by following the due process of law, the respondent can vent its grievances against the applicant. They cannot take the law into their own hands by trespassing into the applicant's office as well as to their project site.

5.Learned counsel for the respondent also denies the contentions of the applicant that the respondent has trespassed into the office of the applicant as well as their project site and causing disturbance to them in their day today business activities.



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6.While that being so, no prejudice would be caused to the respondent if the injunction granted by this Court in its earlier order dated 20.04.2023 is made absolute.

7.Since a prima facie case has been made out, the balance of convenience is also in favour of the applicant and irreparable hardship will be caused to the applicant if the respondent is allowed to trespass into the applicant's office as well as to their project site without the permission of the applicant, this application is allowed as prayed for.

01.09.2023

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