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O.S.A.Nos.184 & 185 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

**THE HON'BLE MR.JUSTICE R.MAHADEVAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

O.S.A.Nos.184 & 185 of 2020
and
C.M.P.Nos.9526 & 9530 of 2020

M/s.Southern Brothers Cuisine Pvt.Ltd.,
Represented by its Director Mr.D.Santhanam,
Ground Floor, Pinacle International Tech Park,
CSIR Road, Taramani,
Chennai 600 113. ...Appellant in both the appeals

Vs

1.M/s.Bhimas Drive Inn Pvt. Ltd.,
No.6, South Perumal Street,
Vadapalani,
Chennai – 600 026.

2.M/s.Tidel Park Limited
No.4, Rajiv Gandhi Salai,
Taramani,
Chennai – 600 034. ... Respondents in both the appeals.



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COMMON PRAYER: Original Side Appeals filed under Order 36 Rule 9 of Original Side Rules read with Clause 15 of Letters Patent & Section 37 of Arbitration & Conciliation Act, 1996 praying to set aside the Order dated 06.08.2020 made in O.A.Nos.1118 & 1119 of 2019 on the file of this Court.

For Appellant : Mr.M.Baskar.

For Respondents : No appearance for R1.

Mr.G.Saravanan for R2.

COMMON JUDGMENT

[Judgment of the Court was made by R.MAHADEVAN,J,]

These Original Side Appeals have been filed to set aside the interim order dated 06.08.2020 passed by the learned Judge in O.A.Nos.1118 & 1119 of 2019.

2.When these matters were taken up for consideration, the learned counsel for the appellant submitted that subsequent to the filing of these Original Side Appeals, the Original Applications themselves came to be dismissed on 01.09.2020 with the following observations:

“5.In such view of the matter, as the applicant has not complied with the orders passed by this Court and dragging on the matters and these applications are pending from the year 2019 seeking for interim measures



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and till date, the applicant have not informed this Court whether the proceedings for arbitration have been initiated or not, this Court is of the view that these applications for interim measures cannot be kept pending endlessly. Accordingly, these applications are dismissed.”

Therefore, the learned counsel for the appellant submitted that nothing survives for further adjudication in these appeals.

3.In view of the above, these Original Side Appeals are disposed of, granting liberty to the parties to work out their remedy before the appropriate forum in accordance with law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

(R.M.D.,J.) (J.S.N.P.,J.)
10.01.2023

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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