



WEB COPY



OA No.807 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

OA No.807 of 2022

and

Arb.O.P.(Comm.Div.) No.255 of 2023

LVK Properties Private Limited
Rep by its Managing Director,
Mr.L.V.Karthikeyan
3/7,Navratna Garden 1st Cross Street,
Ekkatuthangal,
Chennai-600 097.

.. Applicant in OA No.807/22 and
Petitioner in Arb.O.P.No.255/23

-VS-

1.SPAC Power Engineering India Private Limited
Rep by its Managing Director,
Mr.Praveen Miranda,
No.1451,(2nd Floor),Garden Avenue,
Thiruvalluvar Nagar,Mogappair,
Chennai-600 037.

... 1st respondent in both matters

2.M/s. Axis Bank Limited,
Anna Salai Branch,
No.225,Anna Salai,
Opposite Spencers Plaza,Express Estate,
Thousand Lights,
Chennai-600 002.

.. 2nd respondent in OA.No.807/22



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Prayer:

OA No.807 of 2022:

This Application under Section 9 (1)(ii)(b) of the Arbitration and Conciliation Act, 2002, has been filed seeking to pass an interim injunction to direct the 2nd Respondent to refrain from entertaining into any kind of transaction both online and offline without concurrence of the applicant's Managing Director, namely L.V.Karthikeyan in account number 912020043567872 held in second respondent bank branch.

Arb.O.P.(Comm.Div.) No.255 of 2023:

Petition under Section 11 of the Arbitration and Conciliation Act, 1996, has been filed seeking to appoint a sole arbitrator to resolve the dispute between the parties that has arisen under the Work Order dated 18.07.2022.

For Petitioner : Mr.E.Hariharan

For R2 in O.A.No.807/22 : Mr.R.Palanikumar

For R1 in O.A.No.807/22 : No Appearance

For Respondent

in Arb.O.P.No.255/23 : Mr.P.G.Thiyagu

COMMON ORDER



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The learned counsel for the applicant / petitioner seeks permission of the Court to withdraw these petitions with liberty to file a civil suit in respect of the very same cause of action, since there is no valid arbitration agreement between the parties. To that effect, he has also made an endorsement in the Court bundle. The said endorsement is recorded.

Accordingly, by recording the said endorsement, the present application and arbitration petition are dismissed as withdrawn by granting liberty to the applicant/petitioner to file a civil suit in respect of the very same cause of action.

18.08.2023

rkm/ssa

ABDUL QUDDHOSE, J.



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