



O.A.No.71 of 2024

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C.SARAVANAN, J.

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The applicant had already approached this Court in Arb.O.P.(Com.Div.) No.277 of 2023 and Arb.O.P.(Com.Div.) No.362 of 2023 under Section 11(6) of the Arbitration and Conciliation Act, 1996.

2. By two separate orders both dated 21.12.2023, Hon'ble Mr.Justice P.Kalaiyaran (Retd.,) Former Judge of this Court has appointed as an Arbitrator to resolve the dispute between the petitioner (applicant herein) and the respondents.

3. The learned Arbitrator was appointed pursuant to the paper publication effected by the petitioner as the respondents had failed to enter appearance before this Court pursuant to notice that was ordered by this Court in these two Original Petitions.

4. The learned counsel for the applicant would submit that the amount due as of now from the respondents is over a sum of Rs.1,70,00,000/- as there is a threat that the respondents may alienate the same to defeat the rights of the applicant. Hence, prays for an interim measure for a period of four weeks from today as the learned Arbitrator is yet to fix the date for hearing of the case.



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5. The submission of the learned counsel for the applicant appears to be reasonable. Considering the fact that the respondents are in arrears of the amount borrowed under the respective Loan Agreements, the applicant appears to have made out a *prima facie* case on merits.

6. Considering the same, there shall be an order of interim injunction as prayed for, for a period of four weeks from today.

7. It is open for the applicant to move appropriate application before the learned Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996.

8. With the above observations, this Original Application is disposed of at the time of admission.

07.02.2024

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