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O.A.Nos. 681 to 683 of 2024

C.V.KARTHIKEYAN, J.

On 06.02.2020 when O.P.No. 72 of 2020 which was an application filed under Section 34 of the Arbitration and Conciliation Act was pending a learned Single Judge had recorded as follows, in A.No. 441 of 2020 which application was an application seeking injunction:-

“Yesterday, the learned Senior Counsel appearing on behalf of the counsel for the petitioner had undertaken to get an affidavit of undertaking from the petitioner, since this Court had informed that the stay would be granted upon some form of security. In compliance with the undertaking given yesterday that is on 05.02.2020, the petitioner has today filed an sworn affidavit in which he stated as follows: "3. I am the absolute owner of the land in S.No.186/ and 187/2 measuring an extent of 15.30 grounds at Arumbakkam village. I submit that the said property is



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currently vacant and I intend to rent it as a vacant property and I will not put up any permanent structures. 4. I hereby undertake that I will not alienate or mortgage the above mentioned property without the permission/order of this Hon'ble Court".

2. The said undertaking is taken on record and there shall be an order of stay until further orders ”

2. O.P.No. 72 of 2020 had been ordered on 23.02.2021. Now matters are pending before the Division Bench in O.S.A.(Com.Div.) No. 141 of 2024.

3. It is contended that the said order extracted above would not survive since the arbitral proceedings had been terminated. But however the arbitral proceedings continue till the examination of an application under Section 34 of the Act and further examination of the Appeal against that particular order and as a matter of fact, till enforcement of the decree under Section 36 of the Act. Even the learned Single Judge had noted that the undertaking extracted above would be in force until



further orders.

4. In view of the same, the undertaking recorded above is once again noted. There shall be an order of stay till the disposal of O.S.A.(Com.Div.) No. 141 of 2024.

5. Recording as above, O.A.Nos. 681 to 683 of 2024 stand closed.

Vsg

12.11.2024



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vsg

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