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Arbitration Application No.671 of 2024
and
O.A.No.750 of 2024

V.LAKSHMINARAYANAN.J.,

The applicant seeks a direction to restore his possession at Room No. 306, Door No. 51, Ramachandra Adithanar Road, Gandhi Nagar, Adyar, Chennai 600 020 and to return his personal belongings, which are now under the custody of the respondent.

2. Heard Ms. S. Mahalakshmi for the applicant and Ms. Varuni Mohan for the respondent.

3. The relationship between the parties is not in dispute. The applicant entered possession of the aforesaid premises under a leave and license agreement on 10.02.2024. A demand for parking charges was made by the respondent on the applicant on 21.06.2024. Protesting against the charges that had been raised by the respondent, the applicant raised disputes with the respondent through the helpline as well as by sending emails to the Chief Executive Officer of the respondent.



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4. For non-payment of dues, invoking the power vested in them under the leave and license agreement, the respondent had stopped giving access to the applicant. This raised a dispute for which the applicant has issued a notice invoking arbitration. The applicant has also filed an application under Section 11 of the Arbitration and Conciliation Act, 1996. Pleading that his personal materials, as set forth in paragraph 19 of the affidavit, are available with the respondent and also pleading that he had to take alternative accommodation at OYO Rooms, he is before this court invoking section 9 of the Arbitration and Conciliation Act, 1996.

5. A reading of the affidavit shows that on 30.09.2024, the premises in which the applicant was residing had been locked. He moved an application for injunction on 03.10.2024. On that date, he was not in possession of the premises. The relief that is sought for by the applicant is in the nature of an interim mandatory injunction. An interim mandatory injunction cannot be granted *ex parte*, nor can it be granted to change the position that was prevailing on the date of the application.

6. Ms. VVaruni Mohan would, however, state that her clients are willing to



hand over the personal belongings of the applicant, which include the car key and the car, which are in their custody.

7. While the respondent can have a claim over the room that was licensed to the applicant, they cannot have any right to retain the personal belongings of the applicant. Therefore, while not granting the first portion of the relief sought for by the applicant, there shall be a direction to the respondent to return all the personal belongings of the applicant forthwith.

8. The respondent company agrees that they will hand over the personal belongings to the applicant by this evening. The respondent company shall take inventory of the articles/personal belongings of the applicant that are available with them, and they shall also remove the wheel-lock that is placed over the car wheels. The applicant can take possession of his articles/personal belongings on due acknowledgement to be given by him to the respondent. The claim for damages, if any, is left open for the parties to be agitated before the learned arbitrator.

9. The Arbitration Application No. 671 of 2024 is closed with the above directions.



10. In the light of the directions given in Arbitration Application No. 671 of 2024, nothing survives to be adjudicated in Original Application No. 750 of 2024.

By consent, the Original Application No. 750 is also closed. It is made clear that all the issues are left open for the parties to be agitated before the arbitrator, if they so desire. No costs.

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