



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

O.A. No.56 of 2025 and Arb.Appln. No.99 of 2025

Mahindra & Mahindra Financial Services Ltd.

.. Applicant

VS

Sri Adilakshmi Diagnostic Centre and others

.. Respondents

ORDER

The second respondent has been duly served with the notice. The first respondent is represented by the second respondent. Notice sent to the first respondent has been returned with an endorsement 'addressee left without instructions'. Since the second respondent, who is the proprietor of the first respondent, has been duly served with the notice, the first respondent is deemed to have received the notice. Despite receiving the notice, respondents 1 and 2 remain un-represented. An affidavit of service has also been filed by the learned counsel for the applicant enclosing the delivery reports, which confirm that the second respondent has been duly served with the notice. Since the respondents 1 and 2 have chosen not to defend this application, they are set exparte by this Court.



ABDUL QUDDHOSE,J.

vga

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2.As seen from the affidavit filed in support of this application, the residential address of the respondents 2 and 3 are one and the same. The third respondent has also been duly served with this application as seen from the affidavit of service. The third respondent has also chosen not to enter appearance in this application. Hence, the third respondent is also set exparte by this Court. Since the respondents have been set exparte and the applicant is having the benefit of an interim injunction order in O.A. No.56 of 2025 till date, the interim injunction granted by this Court in O.A. No.56 of 2025 is made absolute and O.A. No.56 of 2025 is allowed as prayed for.

3.Since the applicant is having the benefit of an interim injunction order in O.A. No.56 of 2025, the prayer seeking for appointment of an Advocate Commissioner to take possession of the mortgaged property in Arb.Appln. No.99 of 2025 does not arise for the present and the said relief if at all can be granted only by the Arbitrator when he passes the final Arbitral Award.

4.Since the applicant has been adequately protected by this Court by the grant of an order of interim injunction, Arb.Appln. No.99 of 2025 is closed.

10.03.2025

vga

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