



O.S.A.No.173 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**O.S.A.No.173 of 2025
and
CMP.No.11143 of 2025**

M/s.Saagar Foundations Pvt Ltd.
Rep. by its Managing Director
R.Krishnamurthy,
No.1, Wheat Craft Road, Gee Gee Plaza
First Floor, Nungambakkam
Chennai 600 034.

... Appellant

VS

1.G.Khaisar Abrar
2.I.Sadhiya Banu
3.D.Shankar

... Respondents

Prayer: Appeal filed under Order XXXVI Rule 1 of O.S. Rules read with Clause 15 of Letters Patent against the order dated 22.01.2025 made in Application No.6066/2024 in O.A.No.406 of 2024 on the file of this Court.

For Appellant : Mr.J.Pothiraj

For Respondents : Ms.Ramapriya Gopalakrishnan
(for R1 & R2)



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JUDGMENT

(Delivered by Dr. ANITA SUMANTH..J)

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This appeal has been filed challenging an order passed in A.No.6066 of 2024. By way of brief background, the appellant is a Company that had filed O.A.No.406 of 2024 under Section 9 of the Arbitration and Conciliation Act, 1996 (in short 'Act') seeking grant of an order of ad-interim injunction restraining the respondent from alienating the schedule mentioned property viz. Villa A, B and C together with proportionate UDS and car park space in Plot No.3A measuring two 2 grounds and 6 Sq.ft. (4806 Sq.ft) comprised in Old Survey No.15/2A (Part) after sub Division S.No.15/202B, Jagajevanram Avenue, Injambakkam, Injambakkam Village, previously Tambaram Taluk, presently Sholinganallur Taluk, Kancheepuram District situate within the registration District of Chennai South and Sub Registration District of Neelankarai in Patta No.6026 ('property'/'property in question').

2.That application relates to Joint Development Agreement dated 07.10.2015 between itself and the land owner of the property in question.

3.During the pendency of that O.A., the respondent in this OSA, who has purchased a villa in the project under joint development, sought impleadment in A.No.6066 of 2024. The implead application has come



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to be allowed on 22.01.2025 in the presence of the appellant. It is as against that order that the present appeal has been filed.

4.O.A.No.406 of 2024 had come up for hearing before the learned Judge on 06.02.2025 when the present appellant has sought time to make amendments to the cause title pursuant to the allowing of the impleading application. On 25.02.2025, O.A.No.406 of 2024 has itself been closed referring all the parties to arbitration. That order has not been challenged thus far.

5.The present appeal challenging the order passed in the interim application (A.No.6066 of 2024) has been instituted on 02.04.2025 nearly one and half months after the main O.A. has itself been closed and is hence the same is wholly misconceived, apart from being rendered infructuous by virtue of the closure of the Original Application.

6.In light of the above, this appeal is dismissed as infructuous. No costs. Connected miscellaneous petition is also closed.

[A.S.M., J] [N.S., J]
27.06.2025

Index:Yes/No
Speaking order
Neutral Citation:Yes
vs



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