



O.A.No.846 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 10.01.2025

Pronounced on : 31.01.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

O.A.No.846 of 2018

Ms.Edwin Amudha

Applicant(s)

Vs

1.L.Subramaniam

Partner M/s.S.Arumairaj

No.15 Kasturi Rangan Road,

Alwarpet, Chennai – 18.

2.The Superintending Engineer,

Highways, Construction and Maintenance,

Chennai Circle No.299,

Anna Salai,

Chennai – 600 025.

Respondent(s)

For Applicant(s): Mr.R.Srinivas
Senior Counsel
for S.K.Chandrakumar

For Respondent(s)

For R1 : Mr.

For R2 : Mr.D.Balaraman



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ORDER

The Application in A.No.1725 of 2017 filed by a partner, Edwin Amudha to implead herself in the above proceedings was dismissed by me on 09.01.2025. However, for the purpose of clarity, it is made clear that the award is only in favour of the partnership firm and not the individual, S.Arumairaj and this, in my opinion, would sufficiently protect the interest of the partners of the firm.

2.The present application is seeking interim injunction under Section 9 of the Arbitration and Conciliation Act, to restrain the first respondent, one of the partners of M/s.S.Arumairaj and L.Subramaniam from withdrawing the amount receivable by the firm as per the award dated 20.10.2015.

3.I have already dismissed the impleading application filed by the said Edwin Amudha, the present applicant since the award is only in favour of the firm and it would not be possible for the partner, L.Subramaniam to withdraw the share of the applicant herein as well. Even in the present



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injunction application, the apprehension of the applicant is not germane since the award itself published by the Sole Arbitrator is only in favour of the firm and not in favour of the partner or the individual L.Subramaniam. The interest of the applicant is therefore sufficiently protected even in the award and there is no likelihood of the first respondent, L.Subramaniam withdrawing the entire amount.

4.Today, I have already dismissed the O.P.No.747 of 2016, confirming the award of the Arbitrator. Therefore, as and when the petitioner in the Original Petition namely, Superintending Engineer, Highways, Construction and Maintenance complies with the award, it would be open to the applicant to seek her share from and out of the said award amount. Therefore, there is no merit in the present application seeking an interim injunction.

5.In view of the above, the application is dismissed.

31-01-2025

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P.B.BALAJI,J.

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