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O.A. No.345 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

O.A. No.345 of 2025

M/s.Sri Lakshmi Affordable Homes,
Rep. by its Managing Partner,
P. Elango

... Applicant

vs.

R. Mahendran

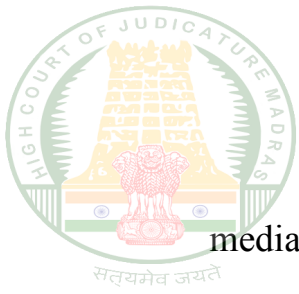
... Respondent

For Petitioner : Mr.C. Kasirajan
For Respondent : Mr.K. Ramanraj

ORDER

The mediation has failed as seen from the mediation report submitted by the Mediation Centre attached to this Court. Prior to referring this matter to mediation, this Court had recorded the undertaking given by the learned counsel for the respondent on instructions that the respondent is not proposing to alienate / encumber the properties, since the properties have already been mortgaged with the financial institution.

2. The learned counsel for the applicant would submit that since the



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mediation has failed, the applicant will be filing an application under

Section 11 of the Arbitration and Conciliation Act, 1996 before this Court seeking for appointment of an Arbitrator by this Court.

3. It is made clear that the undertaking given by the learned counsel for the respondent to this Court on 21.04.2025, on instructions that the respondent is not proposing to alienate the properties, since the properties have already been mortgaged with the financial institution shall continue only for another period of four weeks from the date of receipt of a copy of this order. No prejudice will also be caused to the respondent in view of the admitted fact that the properties, which are the subject matter of this application are already mortgaged with a financial institution. It is made clear that if at all the applicant is seeking for an order of interim injunction to restrain the respondent from alienating / encumbering the properties mentioned in the schedule to the Judges Summons, they shall seek the said relief only before the Arbitrator by filing an application under Section 17 of the Arbitration and Conciliation Act, 1996, once an Arbitral Tribunal is constituted. Liberty is also granted to the respondent to raise all objections before the Arbitrator.

4. This Court makes it clear that the undertaking given by the



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respondent that he is not proposing to alienate / encumber the properties shall continue for another period of four weeks from the date of receipt of a copy of this order.

5. With the aforesaid directions, this application is disposed of by granting liberty to the applicant to approach the Arbitrator once an Arbitrator has been appointed to file a similar application under Section 17 of the Arbitration and Conciliation Act, 1996 and liberty is also granted to the respondent to raise all objections before the Arbitrator as and when such an application has been filed by the applicant.

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Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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ABDUL QUDDHOSE, J.



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