



Original Application No. 375 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

Original Application No.375 of 2025

M/s.Indostar Capital Finance Limited
Having its registered office & Corporate Office at
One Indiabulls Centre, 20th Floor
Tower 2A, Jupiter Mills Compound
Senapati Bapat Marg, Mumbai – 400 013
and Having its Head Office at
IndoStar Tower, 3rd Floor
22 & 23, Venkatanarayana Road
T.Nagar, Chennai-600017, Tamil Nadu, India
Represented by its Authorised Signatory

... Applicant

Vs.

1. Ganesan R
2. Anitha Kandhasami

... Respondents

PRAYER: Original Application filed under Order XIV Rule 8 Original Side Rules read with Section 9(ii)(d)&(e) of the Arbitration and Conciliation Act, 1996, praying to grant an order of interim injunction restraining the 1st respondent by himself, his servants, assigns, agents, representatives, officers, trustees, beneficiaries, administrator/s or any other person claiming through or under them or under any instrument, whatsoever, from in any manner selling, alienating, transferring, parting



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with the possession of, dealing with, disposing of, inducting anyone into or developing or creating any third party right or interest of whatsoever nature and in any manner whatsoever in respect of their property more fully described in the schedule hereunder.

For Applicant : Mr.M.Arunachalam

For Respondents : Mr.M.Vignesh

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking for an order of interim injunction restraining the first respondent or any one in any manner selling, alienating, transferring, parting with the possession of, dealing with, disposing of, inducting anyone into or developing or creating any third party rights or interest in whatsoever nature and in any manner whatsoever in respect of their property more fully described in the schedule hereunder.

2. This Court by its order dated 16.04.2025 after observing that the applicant has made out a prima facie case, balance of convenience and irreparable hardship in favouring of them to order the interim injunction



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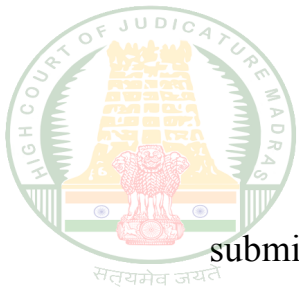
as prayed for in this application.

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3. Counter has been filed by the first respondent in this application. As seen from the same, the first respondent has admitted in paragraph No.4 of the counter that they have committed default in repayment of the loan to the applicant. The only reason given by them for the default is that the subject vehicle was involved in an accident.

4. This application has been filed by the applicant seeking for interim protection pending disposal of the arbitral proceedings. The applicant has already expressed his willingness to go for arbitration in accordance with the arbitration clause contained in the contract, which is the subject matter of the dispute between the parties.

5. The learned counsel for the applicant would submit that the applicant has complied with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996 by issuing notice to the respondents requesting them to accede for arbitration. He would also

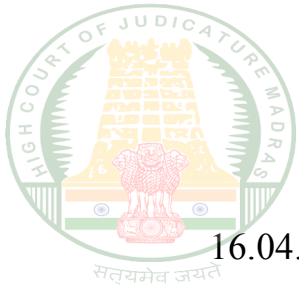


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submit that in due course, an application under Section 11 of the Arbitration and Conciliation Act, 1996 will be filed before this Court seeking for appointment of an arbitrator by this Court.

6. The property, which is the subject matter of this application, is owned by the respondents. The same is also not disputed by the first respondent as seen from the counter filed before this Court. Since the first respondent has admitted that he is a defaulter in the repayment of the loan, this Court is of the considered view that, only to protect the interest of the applicant pending arbitration, this Court had earlier granted an order of interim injunction on 16.04.2025, which continues till date. Since the applicant has made out a *prima facie* case and has established balance of convenience and irreparable hardship, the interim injunction granted by this Court on 16.04.2025 will have to be made absolute and this application has to be allowed as prayed for.

7. Accordingly, the interim injunction granted by this Court on



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16.04.2025 is made absolute and this application is allowed as prayed for

leaving it open for the respondents to raise all objections with regard to the arbitral claim before the arbitrator. The applicant is permitted to communicate this order to the concerned Sub Registrar offices and other Statutory Authorities to effect the interim injunction order in their respective records.

23.06.2025

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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ABDUL QUDDHOSE, J.

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