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Arb.Appln.Nos.321 of 2024 etc

Arbitration Application Nos.321 and 322 of 2024
and
Original Application Nos.445 to 447 of 2024

ABDUL QUDDHOSE, J.

S.Manikandan

.. Applicant

Vs.

M.Lingesan
and three others.

.. Respondents

It is represented by both the counsels representing respective partners of the partnership firm M/s.Vela Vendhan Agency, who are the main contesting parties, that the settlement talks between the parties has failed.

2. These applications have been filed either for appointment of an Advocate Commissioner or for an interim injunction. The applicant is not having the benefit of interim order in these applications, though the said applications were filed in the year 2024 itself. An application under Section 11 of the Arbitration and Conciliation Act seeking for appointment of an Arbitrator filed before this Court is also pending.



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3. Since the applicant is not having the benefit of interim order till today, no useful purpose would be served if these applications are allowed to be kept pending. Accordingly, these applications are closed. However, liberty is granted to the applicant to file similar applications before the arbitral tribunal once an Arbitrator is appointed by this Court under Section 11 of the Arbitration and Conciliation Act. It is made clear that since the third respondent in all these applications is not a party to the arbitration agreement between the partners, the third respondent shall not be arrayed as a party respondent in the arbitration at the first instance.

12.02.2025

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