



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.3021 of 2025

P.Ayyappan

... Petitioner

Vs.

The Manager,
Cholamandalam Investment and Finance Company,
Crest C54 & 55, Super -B4,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.

... Respondent

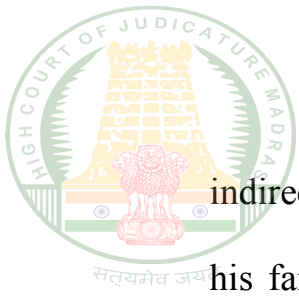
PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the decree and order passed by the XVII Assistant City Civil Court, Chenani dated 15.04.2025 in I.A. No.3 of 2025 in O.S. No.947 of 2025 .

For Petitioner : Mr.Y.Kajanavas

For Respondent : Mr.K.B.Vivekananthan

ORDER

The revision petitioner is the plaintiff in O.S. No.947 of 2025. The revision petitioner has filed the said suit for relief of permanent injunction to restrain the defendant, their men, collection agents, servants, any person and every person claiming through or under the defendant either directly or



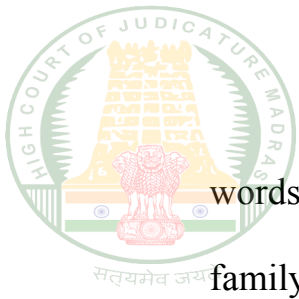
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indirectly in any manner whatsoever, harassing or disturbing the plaintiff, his family members and his staffs from the office and residence premises morefully described in the Schedule hereunder, save by due process of law.

2. I have heard Mr.Y.Kajanavas, learned counsel for the petitioner and Mr.K.B.Vivekanandhan, learned counsel for the respondent.

3. In the said suit, the defendant has taken out an Application in I.A. No.3 of 2025 under Sections 8 & 5 of the Arbitration and Conciliation Act, 1996 stating that the suit is not maintainable and the parties will have to go before the Arbitration. The said Application came to be allowed by the Trial Judge as against the present revision filed.

4. No doubt, the parties have agreed to an Arbitration Clause under Clause 26 of the loan agreement dated 14.06.2023 as well as 24.04.2024. However, it is only disputes and differences regarding the claims arising out of the said loan agreement that are amenable to arbitration. The present suit filed by the plaintiff is only for a permanent injunction which is an equitable relief to restrain the defendant from taking law into its own hands, in other



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words, the plaintiff only sought for the relief, that is, the plaintiff and the family members should not be disturbed, except by due process of law.

5. The learned Trial Judge has referred to the Arbitration Clause and held that the parties would have to necessarily go for the arbitration since there exists an agreement for arbitration between the plaintiff and the defendant. The Trial Court has failed to see the scope and nature of the suit for which, the plaintiff have come to the Civil Court. There is no bar for the plaintiff to seek the discretionary and equitable relief of permanent injunction which is a common law remedy available to the plaintiff and the same cannot be sought before the learned Arbitrator. It is always open to either of parties to move appropriate Application seeking appointment of the Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996. The suit is not a bar for the defendants initiating arbitration proceedings.

6. In the light of the above, the order in I.A. No.3 of 2025 is set aside and the Civil Revision Petition is allowed. The suit shall be proceeded with

P.B.BALAJI.J.,



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before the Civil Court and it is made clear that it is open to both the petitioner as well as the defendant to initiate arbitration proceedings with regard to the disputed subject matter. No costs.

08.08.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

rkp

To

The XVII Assistant City Civil Judge,
Chennai.

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