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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 483 of 2025

Geetha M Bathija
W/o. Mukesh H.Bathija, aged 72 years
residing at No.10C, 10D, Bathija
Cottage, 4th Cross Road,
Ramalinga Nagar, K.K.Pudur, Saibaba
Colony Coimbatore 641 038.

..Petitioner(s)

Vs

1. Taksuu Bali Spa Private Limited
Having its office at No.1555, Kuringi
Street, Thasildar Nagar,
Madurai 625 020.

2.Y Gnana Ganesh
Residing at 4/74B,
Vivekananda 3rd Street, Tahsildhar
Nagar, Madurai 625 020.

3.T Muruganantham
Residing at No. 2/283, Maruthu
Pandiyar Street, Tahsildhar Nagar,
Madurai 625 020.

Respondent(s)

PRAYER

Application filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, praying to constitute an Arbitral Tribunal consisting of a Sole



Arbitrator to adjudicate the dispute between the petitioner and the respondents
in terms of the Lease Deed dt 02.02.2016.

For Petitioner(s): K.Venkata Subban,
for M/s.Sarvabhauman Associates

For Respondent(s): Mr.W.Camyles Gandhi

ORDER

This petition has been filed under Section 11 of the Arbitration and
Conciliation Act for appointment of arbitrator by this Court.

2.When the petition came up for hearing on 18.8.2025, this Court passed
the following order:

This petition has been filed under Section 11 of the
Arbitration and Conciliation Act seeking for the appointment of
an Arbitrator by this Court.

2.There seems to be a dispute between the petitioner and
the respondents arising out of a Lease Deed dated 02.02.2016.
There exists an arbitration clause in the Lease Deed dated
02.02.2016, which is extracted hereunder:

'31.In the event of any dispute, difference and claims if
any, between the parties hereto regarding the execution,
performance or in the interpretation of any of the conditions or
terms in this agreement, the same shall be referred to arbitration
by a single arbitrator and such disputed and any other legal



disputes shall be subject to the Coimbatore Jurisdiction only.'

3.The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondents on 28.02.2025. The respondents have not replied for the arbitration notice sent by the petitioner. The respondents have not replied for the arbitration notice sent by the petitioner. The respondents have filed a suit in O.S. No.3 of 2025 on the file of the District Munsif Court, Coimbatore for a bare injunction to restrain the petitioner from interfering with the respondents' peaceful possession and enjoyment of the property, which is the subject matter of the Lease Deed dated 02.02.2016. The petitioner has also filed an application under Section 8 of the Arbitration and Conciliation Act seeking for reference of the dispute, which is the subject matter of O.S. No.3 of 2025 to the arbitration. The said Section 8 application is pending consideration by the District Munsif Court, Coimbatore.

4.Since there exists an arbitration clause in the Lease Deed dated 02.02.2016, which is the subject matter of the dispute between the parties and since the petitioner has complied with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996, this Court is issuing notice to the respondents returnable by 17.09.2025. Private notice is also permitted.

3.After service of notice, the petition was listed for hearing on 13.10.2025 and the following order came to be passed by this Court.

The learned counsel for the respondents seeks for some time



to file counter in this case.

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2.It is seen from the earlier order passed on 18.08.2025 that a suit is pending and in that suit, the petitioner has filed an application under Section 8 of the Arbitration and Conciliation Act, 1996 and this application is also pending.

3.In view of the above, post this petition for hearing on 27.10.2025.

4.The case was again listed for hearing on 27.10.2025 and this Court passed the following order:

When the matter was taken up for hearing today, it is brought to the notice of the Court that a suit in O.S.No.3 of 2025 is pending before the Dis Munsif Court, Coimbatore, in which, an application under Section 8 of

Arbitration and Conciliation Act has been filed and it is pending.

2 The leaned counsel for the petitioner submitted that the application before the District Munsif Court, is kept pending without passing any orders.

3. In the considered view of this Court, this Court cannot proceed fu to pass final orders in the above application, when the suit is pending. H there shall be a direction to the learned District Munsif, Coimbatore to deal with SSection8 application filed in O.S.No.3 of 2025 and pass final orders on or before 21.11.2025.

Post this application on 24.11.2025 under the caption ‘final orders’.



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5. When the matter was taken up for hearing today, the learned counsel for the respondents submitted that the petition filed under Section 8 of the Arbitration and Conciliation Act, came to be dismissed by an order dated 20.11.2025 in IA.No.3 of 2025 in OS.No.3 of 2025. The copy of the order was also placed before this Court.

6. In the light of the above development, no further orders can be passed in this petition. Depending upon the further developments, it is left open to the petitioner to revive this petition at an appropriate time. For the present, this petition is closed. No costs.

24-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
KP

To

Taksuu Bali Spa Private Limited
Having its office at No.1555, Kurinji
Street, Thasildar Nagar, Madurai 625
020

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N.ANAND VENKATESH J.

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