



O.A.Nos.791 and 792 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

**DATED : 07.10.2025**

CORAM:

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**O.A.Nos.791 and 792 of 2025**

Tata Capital Limited,  
by its Associates Legal Remedial,  
R.Kamalakkannan,  
Having its office at  
1<sup>st</sup> Floor, Centennial Square,  
6A-Dr.Ambedkar Salai,  
Kodambakkam, Chennai – 600 024.

... Applicant  
in both Applns.

VS.

1. Rahul Chawla  
No.301, Sankaalp Central Park Gerenium,  
Yadavgi, Mysore – 570 020.
2. Neha Chawla  
No.301, Sankaalp Central Park Gerenium,  
Yadavgi, Mysore – 570 020.
3. M/s.Rahul S Kar Spa & Tyre Care  
Rep.by its Proprietor Rahul Chawla  
No.301, Sankaalp Central Park Gerenium,  
Yadavgi, Mysore – 570 020.



O.A.Nos.791 and 792 of 2025

WEB COPY

Also at :  
Shop No.C 57 Yadavagiri Industrial Estate,  
Mysore – 570 020.

... Respondents  
in both Applns.

**Common Prayer:** Original Applications filed under Order XIV Rule 8 of Original Side Rules r/w Section 9(II)(b), (d) & (e) of the Arbitration and Conciliation Act, 1996, to pass an order of interim injunction against the 1<sup>st</sup> and 2<sup>nd</sup> respondents or his agents or any person claiming any right under him from encumbering, alienating or creating any third party interest in respect of the property the Residential Flat No.301, Block No.13, Wing Z2 on the 3<sup>rd</sup> Floor, measuring super built up area of 3BHK Flat of 1800 square feet inclusive of share in common area in the building known as SANKALP CENTRAL PARK, along with a identified one covered car parking slot in the basement floor together with an Equitable share of undivided interest of 724.32 square feet out of 17,213 square meter, bearing CTS No.3360 and Municipal No's.1-7, situated at Jawa Main Road, Yadavagiri, Industrial Area, Devaraja Mohalla, Mysore and bounded as under East : Commercial property held by M/s.Shalom Voyagers Pvt.Ltd., West : Road between the underlying property and Ramakrishna Ashram Vidhyashala, North : Balance residential property held by M/s.Shalom Voyagers Pvt.Ltd., South : Jawa Main Road situated within the office of Sub Registration for Devaraja Mohalla, Mysore.

For Applicant : Mr.N.K.Vanan



WEB COPY



O.A.Nos.791 and 792 of 2025

in both Applns.

For Respondents : No appearance

### **COMMON ORDER**

These applications have been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (Act No.26 of 1996) [hereinafter "A and C Act" for the sake of brevity] seeking for an interim injunction restraining the respondents 1 and 2 from in any manner alienating / encumbering or creating any third party interest in the subject property, pending disposal of the arbitration proceedings.

2. When these applications came up for hearing on 07.08.2025, this Court passed the following order:

*"These applications have been filed seeking for an interim injunction to restrain the respondent from alienating/encumbering the property more fully described in the schedule to the Judges Summons.*

*2. The respondent is a defaulter in the repayment of the loan to the applicant. According to the applicant, the property morefully described in the schedule to the Judges Summons was mortgaged with the applicant by depositing original title deeds in the year 2019 itself, when the respondent availed loan from the applicant. According to the applicant, they have*



*come to know only recently that the very same property has been mortgaged with L&T Finance. The encumbrance certificate has been produced which reveals that L&T Finance is the mortgagee of the property in question. However, according to the applicant, original title deeds were handed over to the applicant by the respondent in the year 2019 itself, when the respondent availed loan from the applicant by depositing original title deeds.*

*3. The applicant is directed to produce original title deeds before this Court on the next hearing date. Post the matter on 12.08.2025."*

3. Pursuant to the above order, the learned counsel for the applicant also produced original title deeds before this Court. The matter was taken up for hearing on 25.08.2025 and this Court passed the following order:

*"As directed by this Court, the learned counsel for the applicant in these applications has intimated L&T Finance through a letter of the applicant's counsel, dated 14.08.2025 about the pendency of these applications. This Court had directed the applicant to intimate L&T Finance, since the property for which injunction is sought for in these applications has been mortgaged with L&T Finance. The AOS including delivery report has been filed. Registry is directed to print the name of L&T Finance in the cause list on the next hearing date even though they are not parties to these applications.*

*2. Notice sent to the respondents have been returned with an endorsement 'left'. The returned covers have been filed along with AOS. The applicant is directed to effect substituted service on the respondents by effecting paper publication in any vernacular daily*



O.A.Nos.791 and 792 of 2025

WEB COPY

*having wide circulation in the State of Karnataka for the hearing on 26.09.2025.*

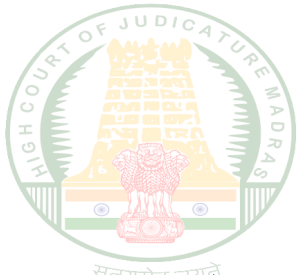
*3. Post these matters on 26.09.2025."*

4. When the matter was taken up for hearing today, affidavit of service has been filed in both the applications and it seen that the paper publication has been effected. The names of respondents are printed in the cause list but there is no representation either in person or through counsel.

5. Taking into consideration the facts and circumstances of the case and considering the averments made in the affidavit filed in support of the applications which have not been refuted by the respondent, this Court is inclined to allow the applications as prayed for.

6. The learned counsel for the applicant submitted that notice under Section 21 of A and C Act has already been issued and steps have been taken for appointment of an Arbitrator by filing a petition under Section 11 of A and C Act.

In view of the above, these applications are allowed in the above



O.A.Nos.791 and 792 of 2025

terms.  
WEB COPY

**07.10.2025**

*mk*

Index: Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation Case : Yes/No



WEB COPY



O.A.Nos.791 and 792 of 2025

**N.ANAND VENKATESH, J.**

*mk*

**O.A.Nos.791 and 792 of 2025**

**07.10.2025**