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OA Nos.1024, 1025 & 1026 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

OA Nos.1024, 1025 & 1026 of 2025

OA No.1024 of 2025

Eternity Developers Private Ltd,
Represented by its Managing Director
Mr.Avinash Prabhu
Having office at,
No. 11, Hayes Road,
Bangalore 560025
and also residing at
No. 206 & 207, 2nd Floor,
Sophias Choice 7/28,
St. Marks Road, Bangalore 560001

Applicant(s)

Vs

M/s.Dhanna Bakkiam Enterprises
Rep. by its Partner
Mrs.Aashna Sarin and Mr.Akshay Sarin,
A Partnership Firm
Incorporated under The Indian Partnership Act,
Having Office at No.5E, Mookambika Complex,
4, Lady Desika Road, (C.P.Ramasamy Road), Mylapore, Chennai 600 004.



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Respondent(s)

PRAYER Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996, praying to pass an ad interim injunction thereby restraining the Respondent, their representatives, agents, employees, servants, nominees or anybody claiming through them, from selling, mortgaging, alienating or creating any third party right or interest or in any way dealing with constructed/to be constructed in the schedule property mentioned in the Joint Development Agreement dated 18.06.2008 and in any way dealing with assets of Respondent and or creating any third party rights or interest in any form.

OA No.1025 of 2025

Skyline Constructions & Housing Private Ltd,
Represented by its Managing Director
Mr.Avinash Prabhu
Having office at,
No. 11, Hayes Road,
Bangalore 560025
and also residing at
No. 206 & 207, 2nd Floor,
Sophias Choice 7/28,
St. Marks Road, Bangalore 560001

Applicant(s)

Vs



M/s.Dhanna Bakkiam Enterprises

Rep. by its Partner

Mrs.Aashna Sarin and Mr.Akshay Sarin,

A Partnership Firm

Incorporated under The Indian Partnership Act,

Having Office at No.5E, Mookambika Complex,

4, Lady Desika Road, (C.P.Ramasamy Road), Mylapore, Chennai 600 004.

Respondent(s)

PRAYER Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996, praying to pass an ad interim injunction thereby restraining the Respondent, their representatives, agents, employees, servants, nominees or anybody claiming through them, from selling, mortgaging, alienating or creating any third party right or interest or in any way dealing with constructed/to be constructed in the schedule property mentioned in the Joint Development Agreement dated 05.02.2007 and in any way dealing with assets of Respondent and or creating any third party rights or interest in any form.

OA No.1027 of 2025

Eternity Developers Private Ltd,

Represented by its Managing Director

Mr.Avinash Prabhu

Having office at,

No. 11, Hayes Road,

Bangalore 560025

and also residing at



No. 206 & 207, 2nd Floor,
Sophias Choice 7/28,
St. Marks Road, Bangalore 560001

Applicant(s)

Vs

Mr.Akshay Sarin HUF
S/o.Mr.Rakesh Sarin,
Residing at New No.29, Old No.15/4,
Masilamani Road, Balaji Nagar,
Royapettah, Chennai 600 014.

Respondent(s)

PRAYER Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996, praying to pass an ad interim injunction thereby restraining the Respondent, their representatives, agents, employees, servants, nominees or anybody claiming through them, from selling, mortgaging, alienating or creating any third party right or interest or in any way dealing with constructed/to be constructed in the schedule property mentioned in the Joint Development Agreement dated 02.06.2008 and in any way dealing with assets of Respondent and or creating any third party rights or interest in any form

For Applicant(s): Mr.C.Deepak Kumar
in all Applications



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4. In the considered view of this Court, there has been a complete lull for the period from 22.09.2023 till date. The dispute had arose as early as in September 2023 and till date, the applicants have not taken any steps to refer the dispute for arbitration. Even though, in the legal notice dated 20.09.2023, there is a passing reference that the matter will be referred to arbitration, till date no steps have been taken in that regard. In view of the same, this Court finds that there is no manifest intention to arbitrate the case. Hence, this Court is not inclined to entertain these applications. Useful reference can be made to the judgement of the Apex Court in ***Firm Ashok Traders and Another vs. Gurumukh Das Saluja and Others*** reported in **2004 3 SCC 155**.

5. In view of the above, it is left open to the applicants to move Section 11 petition seeking for the appointment of an Arbitrator and workout their remedy in the manner known to law.



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6.In the result, all these applications stand dismissed. No Costs.

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

SSR

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