



C.R.NO.3609 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 17 / 12 / 2025

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ORDER PRONOUNCED ON : 23 / 01 / 2026

CORAM :

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.NO.3609 OF 2022

AND

C.M.P.NO.19148 OF 2022

1.Mr.P.Venkadachalam

2.Mr.V.Balasubramaniam

Both residing at
nd

No.10, 2 Cross, Vivekananda Nagar,
Puducherry – 605 005.

Petitioners/Petitioners/

...

Defendants

Versus

M/s.MKB Life Styles,
Represented by its Sole Proprietor,
Mr.K.Senthilkumar,
Residing at No.41, Mariamman Koil Street,
Thiruvettukudy, Karaikal – 609 609.
and having office at No.81,
'GKM Arcade', 1st Floor, 100 Feet Road,
Puducherry – 605 001.
...Respondent/Respondent/

Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, 1950, praying to set aside the Fair and Decretal Order dated July 18, 2022 passed in I.A. No.1403 of 2021 in O.S. No.2465 of 2021 on the file of the Hon'ble Principal District Munsif at Puducherry and allow the said application.



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For Petitioners : Ms.M.Jisriga
for Mr.V.Kamala Kumar

For Respondent : Served - No appearance

ORDER

This Civil Revision Petition is filed praying to set aside the Order dated July 18, 2022 passed in Interlocutory Application filed under Section 8 of 'the Arbitration and Conciliation Act, 1996' ('A&C Act' for short) in I.A. No.1403 of 2021 in O.S. No.2465 of 2021 on the file of 'the Principal District Munsif at Puducherry' [hereinafter referred to as the 'Trial Court'] by the Petitioners therein.

2.The Petitioners herein are the Defendants and the Respondent herein is the Plaintiff in the Original Suit.

3.For the sake of convenience, the parties will hereinafter be referred to as per their array in the Original Suit.

4.The case of the Plaintiff is that the Defendants executed the Lease Agreement dated December 12, 2018 in favour of the Plaintiff for a lease of the demised property therein for a period of nine years. The demised property therein is the Suit Property. The Defendants attempted



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to interfere with the Plaintiff's peaceful possession and enjoyment of the demised property and hence, the Plaintiff filed a Suit for permanent injunction restraining the Defendants from interfering with the peaceful possession and enjoyment except by due process of law. After receiving the summons, the Defendants entered appearance through an Advocate and filed a petition under Section 8 of the A&C Act, stating that there is a valid Arbitration clause existing between the Plaintiff and the Defendants vide the Lease Agreement dated December 12, 2018 and prayed the Trial Court to refer the dispute to Arbitration.

5.The Trial Court after hearing both sides' found that there existed a valid Arbitration clause in the Lease Agreement entered between the Plaintiff and the Defendants and that the dispute is arbitral in nature. Accordingly, the petition was allowed and further, the Defendants were directed not to interrupt the power supply, way, lift and parking facilities as these are essential to run the business. Further directed not to print pamphlets regarding the Plaintiff's business concern. The Operative portion of the Trial Court's Order reads thus:

“16.In the result, this petition is allowed by referring the matter to arbitration to resolve the disputes within six months with condition that the petitioners/defendants should not interrupt the power supply, way, lift and

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parking facilities and not to print pamphlets regarding respondent's business concern. No cost."

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6. Feeling aggrieved by the Order, the Defendants have come up with this Civil Revision Petition.

7. Despite service of notice, the Respondent did not appear and contest the case.

8. Ms. M. Jisriga learned Counsel appearing on behalf of Mr. V. Kamala Kumar, Counsel on record for the Revision Petitioners / Petitioners / Defendants submitted that there existed a valid Arbitration Clause between the parties and the dispute is arbitral in nature, and considering the same, the Trial Court rightly referred the matter to Arbitration. However, while referring the matter, the Court has no power to order or grant a limited interim order or limited interim injunction in favour of the Plaintiff. The Trial Court ought not to have issued the limited interim injunction in favour of the Plaintiff. Hence, the Order under challenge was passed without jurisdiction and is liable to be set aside.

9. This Court has heard the learned Counsel for the Revision

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Petitioners and perused the materials available on record.

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10. On perusal of the typed set of papers, it is learnt that the Petitioners have annexed a petition filed under Section 10(2)(i) of 'the Pondicherry Buildings (Lease and Rent Control) Act, 1969' ('Rent Control Act' for short) by the 1st Defendant seeking a direction to vacate the Plaintiff. After perusing the petition, this Court specifically put a question to the learned Counsel for the Revision Petitioners as to whether, pursuant to the Order under challenge, the Defendants have taken any steps for appointment of an Arbitrator. Learned Counsel fairly submitted that the Defendants did not take any steps to nominate an Arbitrator but instead the Defendants filed an application under Rent Control Act.

11. Before delving into the question whether the Court has the power to grant a limited interim order or limited interim injunction while referring the matter under Section 8 of the A&C Act, this Court is of the view that the Suit is very well maintainable before the Civil Court. Since the relief sought for by the Plaintiff is not to evict without following due process of law and since it is interim in nature, the Suit filed by the

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Plaintiff neither forbears the Defendants to initiate the proceedings under A&C Act nor initiate the proceedings under the Rent Control Act.

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12.The injunction sought for is interim and not permanent in nature. The Injunction is not to evict except by due process of law and since there exist a valid arbitration clause, arbitration is also a lawful and valid method to redress the issue. The Plaintiff seeks an interim injunction until eviction is backed by due process of law. Given the limited nature of the prayer, this Court is of the view that referral under Section 8 is not at all necessary in this case. However, the Trial Court allowed the Interlocutory Application and referred the matter to Arbitration. Pursuant to the Order of the Trial Court, neither the Defendants nor the Plaintiff took any steps to commence Arbitration Proceedings. On the other hand, the Defendants have chosen to file the aforesaid petition under the Rent Control Act to evict the Plaintiff. In these circumstances, this Court is of the view that since the Civil Court has inherent jurisdiction to entertain the Suit of this nature, it has every power to pass interim order in favour of any of the parties in the interest of justice.

13.Considering the limited prayer granted by the Civil Court in

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favour of the Plaintiff, the Order under challenge would not cause any prejudice to the Defendants. Since the Defendants initiated proceedings under the Rent Control Act, limited interim order granted by the Trial Court shall continue to operate for two months from January 23, 2026 i.e., the aforesaid Interim Order shall operate till March 23, 2026.

14.Both the parties are at liberty to move appropriate applications before the concerned Rent Control Authority, seeking extension, modification or cancellation of the Trial Court's Order as modified by this Court, if so required and if law permits. In such a course, the concerned Rent Control Authority shall decide the same as per law, untrammelled by this Order.

15.The Defendants are restrained from entering into peaceful possession and enjoyment of the Suit Property and also printing pamphlets regarding the Plaintiff's business concern till March 23, 2026.

16.With the above observations, this Civil Revision Petition is partly allowed. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil



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Miscellaneous Petition is closed.

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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
PAM / TK

To

The Principal District Munsif
Puducherry.

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R. SAKTHIVEL, J.

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PRE-DELIVERY ORDER MADE IN

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