

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2016

Coram

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

Application Nos.3121 to 3128, 3425, 3428, 3429,
3536 to 3540 and 3756 to 3761 of 2016

M/s.Indusind Bank Limited,
Rep. By its Manager/Executive-Legal,
Mr.P.BalaVenkata Giri,
Having office at No.115 & 116,
G.N.Chetty Road, T.Nagar,
Chennai - 600 017.

.. Applicant in
all applications

Vs

M/s.South India Freight Carriers,
Rep. By its Proprietor N.Nageswar Rao,
No.9-66-42, Alladivari Street,
Kothapeta,
Vijayawada-520 001.

.. Respondent in
all applications

Applications filed under Order XIV Rule 8 of the O.S.Rules r/w Section
9 of the Arbitration and Conciliation Act, 1996.

For applicant : Ms.Meera Gnanasekar

For respondent : Mr.Krishna Ravindran
(In all applications)

COMMON ORDER

1. It is to be noted that the parties in the captioned applications are common. The applicant is an entity by the name Indusind Bank Limited, while the respondent is an entity by the name South India Frieight Carriers.

2. M/s.Meera Gnanasekar, appears for the applicant in the captioned applications while Mr.Krishna Ravindran appears for the respondent in the captioned applications.

2.1 Both counsels inform me that this Court in A.No.3353 and 3354 of 2016 have passed two separate orders of even date i.e., 17.10.2016, whereby the following property stands attached:

“Village/Colony:

Ibrahimpattam/ITO107A Colony Quarters Ward-Block: No.24-24,
Survey: 55P 56P Plot:O, House No:24-32, Extent: 4011 Sq. Yds
Built: 0Sq.Ft.

Bounded by:

North: City Bus Terminal & Part of Sites 380 Ft

South: Others plots 380 Ft

East: 60 Ft Road 95 Ft

West: 80 Ft Road 95 Ft”

3. Learned counsel for the parties inform me that the very same property is the subject matter of the captioned applications, as well.

4. Counsel for the respondent says that, since, attachment has already been ordered in A.Nos.3353 and 3354 of 2016, he is willing to give a statement that the said property will not be sold, alienated or encumbered till requisite orders are obtained from the appropriate authority. It is ordered accordingly.

5. To be noted, this statement is made in the context of the fact that, in some of the matters, according to Ms.Meera Gnanasekar, awards have already been passed, while in the others, arbitration is pending. Quite clearly, wherever arbitration is pending, the respondent will be at liberty to approach the Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996, to seek vacation, modification or variation of the order passed today and in cases, where awards have already been passed, the respondent would have to approach the concerned Court, either by way of a petition under Section 34 of the Arbitration and Conciliation Act, 1996 or resist execution before the executing Court.

6. Therefore, as prayed, the applications are closed, based on the submissions made by the counsel for the parties. The Registry will communicate this order to the concerned Sub-Registrar.

RAJIV SHAKDHER, J.

vsm

Application Nos.3121 of 2016 etc

09.11.2016

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