IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :30.11.2016

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THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

A.No.6789 of 2015

Sundaram Finance Limited,
rep. by its Senior Manager (Legal)
Mr.G.s.Narayanakrishnan
21, Patullos Road,
Chennai - 600 002

APPLICANT

Vs

Ms.A.Latha RESPONDENT

Application filed under Order XIV Rule 8 of O.S.Rules read with Section 9 (ii) (b) of the Arbitration and Conciliation Act, 1996.

For Applicant : Mr.S.Suresh
for M/s.T.Srinivasaragavan Associates

For Respondent : No Appearance

ORDER

1.The record shows that, this Court had directed the respondents to furnish security in the sum of Rs.6,93,535.10, vide order dated 24.08.2016. Furthermore, Court notice was also issued to the respondents via the very same order.

2. As per proceedings, of the learned Master dated 21.11.2016,

service has been effected on the respondent. Despite service, the respondent has chosen not to appear.

3. In these circumstances, the counsel for the applicant prays for attachment, as there is no representation on behalf of the respondent.

3.1. It appears that the respondent is evading service. Since the respondent is not represented, there is no traverse to the assertion made in the application.

4. On merits, the applicant avers as follows:

The respondent has availed loan in the sum of Rs.10,48,717/- under the Loan Agreement dated 26.09.2013, qua the purchase of the vehicle described as 2013 Model Maruti Ertiga. The said amount was to be paid in 47 monthly instalments. The first instalment was to commence from 17.10.2013, while the last instalment was payable on 17.08.2017. The applicant submits that under the aforementioned Loan Agreement, the respondent has undertaken to repay the total loan amount of Rs.10,48,717/-.

5. Learned counsel for the applicant says that the respondent has not adhered to the obligations undertaken under the aforementioned loan agreement. It is the case of the applicant that the respondent is liable to

pay a total sum of Rs.6,93,535.10 as on 18.09.2015.

6. Learned counsel for the applicant further states that arbitration proceeding has been initiated and, consequent thereto, an award has been passed on 08.04.2016 in the matter concerning the parties.

7. It is clear that the respondent is moving towards a situation where the award shall become a paper decree. In this circumstance, there shall be an order of attachment qua the property described in the judges summons to the extent of the claimed amount, i.e., Rs.6,93,535.10. For the sake of convenience, the particulars of the said property are noted hereunder:

SCHEDULE OF PROPERTY

All that piece and parcel of vacant land comprised in Survey No.218/1, measuring to an extent of 2136.56 sq.ft. out of total extent of 4800 sq.ft. Bajanai Koil Street, situate in No.88, Pattaraivakkam village, Ambattur Municipality & Taluk, Tiruvallur District and bounded on the

North by : Land and house belongs to Rajendran & Saravanan;

East by : Land and house belongs to Gnanasekar

South by : Land and house belongs to A. Latha and

West by : Bajanai Koil Street

and situated within the jurisdictional limits of Registration District of Chennai-North, and sub registration district of Konnur."

RAJIV SHAKDHER,J.

8. Since the award has already been passed, the parties are given liberty to take necessary steps hereafter, albeit, in accordance with law.

9. Accordingly, this application is disposed of in the aforesaid terms.

30.11.2016

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