

Application No.6192 of 2013RAJIV SHAKDHER,J.

This application is filed under Section 9 of the Arbitration and Conciliation Act 1996 seeking a direction qua the respondents to furnish security for a sum of Rs.8,02,842.43p., failing which, to order attachment of the property more fully described in the judges summons.

2. In this application, notice was issued to the respondent on 13.12.2013. As per proceedings, of the learned Master dated 09.01.2014, service has been effected on the respondents. Further more, by order dated 29.01.2014, the respondents were directed to furnish security in a sum of Rs.8,02,842.43p, within a period of three weeks, failing which, this Court indicated that it shall be constrained to pass an order of attachment.

3. Despite service, there is no appearance on behalf of the respondents.

4. Learned counsel for the applicant prays for attachment of the immovable property described in the schedule appended to the judges summons, which belong to the respondents.

5. It may be noted that it is the case of the applicant that the respondents have availed loan in the sum of Rs.8,80,000/- under the Loan Agreement dated 22.10.2012, qua the purchase of the vehicle described as Heavy Commercial Vehicle-Goods-Ashok Leyland-AL 2214 Goods bearing registration No.TN30 AL8280, bearing Engine No.DPH440374 and Chasis No.DPR239632. The said amount was to be paid in 41 equal monthly Instalments. The first instalment was to commence from 05.12.2012 while the last instalment was payable on 05.04.2016.

6. Learned counsel for the applicant says that the respondents have not adhered to the obligations undertaken under the aforementioned loan agreement. It is the case of the applicant that the respondents are liable to pay a total sum of Rs.8,02,842.43p, as on 03.12.2013.

7. Learned counsel for the applicant further states that arbitration proceedings have been triggered, and are pending.

8. It is clear that the respondents are 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.8,02,842.43ps., For

the sake of convenience, the particulars of the said property are noted hereunder:

SCHEDULE OF PROPERTY

Vacant Punja land (belonging to 1st vendor purchased under D.No.3142/08) measuring 0.15.0 hectre in Amani Pottaneri under S.No.167/2A2 admeasuring East West on northern side 50 ft., East West on southern side 50 ½ ft, South to north on eastern side 16 ¼ ft and south to north on western side 18 ¼ ft to an extent of 866 ¾ sq ft and

Vacant punja land (belonging to 2nd vendor purchased under D.No.1766/08) measuring 0.15.0 hectre in Amani Pottaneri under S.No.167/2A2 admeasuring East to West on both side 50 ft and South to north on both side 19 ¼ ft to an extent of 987 ¾ sq ft totalling to 1845 ½ sq ft, bounded on West by : Govindaraj land, Northby: Gopal land, South by: Arumugham land and East by: 15 ft street within Mettur Taluk, Mecheri Sub Registration and Salem District-West Registration District.

Estimate value of the properties are about Rs.15,00,000/-.

8. Since the arbitration proceedings have been initiated and the same are pending, the parties are given liberty to take necessary steps hereafter, albeit, in accordance with law, as may be deemed fit.

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

09.09.2016

vsm

Note: Issue order copy on 16.09.2016.

RAJIV SHAKDHER, J.

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