

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2016

Coram

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

Application No.1566 of 2016

1 M/S. CHOLAMANDALAM INVESTMENT
AND FINANCE COMPANY LTD DARE HOUSE NO.2
NSC BOSE ROAD PARRYS CHENNAI 600 001
REP. BY ITS AUTHORISED SIGNATORY [APPLICANT]

Vs

K.GANESAN
S/O. KRISHNAN O.NO.10 N.NO.8/44D DEVAR
STREET ELANTHAKULAM KANDIYAPERI
TIRUNELVELI TK TAMIL NADU [RESPONDENT]

Application filed under Order XIV Rule 8 of the O.S.Rules r/w Section 9 of the Arbitration and Conciliation Act, 1996, to direct the Respondent to furnish security in the sum of Rs.3,14,739/- within a time fixed by this Honble Court failing which to order attachment of the immovable properties morefully described in the schedule to the Judges summons pending initiation and disposal of arbitration proceeding between the applicant and the Respondent and till enforcement of the award that may be ultimately passed in the arbitration proceedings and, a copy of the attachment order be transmitted through the Sub Court Tirunelveli and the attachment order may be hand delivered to the applicant for transmission.

For applicant : Mr.D.Pradeep Kumar

For respondent : No Appearance

ORDER

1. This application has been filed seeking a direction to the respondent to furnish security for a sum of Rs.3,14,739/-, failing which, to order attachment of the immovable property, more fully described in the schedule to the judges summon, till enforcement of the award passed that may be passed in the arbitration proceedings

2. The learned counsel for the applicant has taken me through the record, which is indicative of the fact that service on the respondent, could be effected only via publication.

3. There is no appearance on behalf of the respondent, despite service.

3.1. In these circumstances, there is no traverse to the averments made in the application. Thus the averments made, being backed by an affidavit, have to be accepted by me for the moment.

4. Accordingly, the respondent is directed to furnish security for the claimed amount i.e., a sum of Rs.3,14,739/-, within a period of six weeks, from the date of receipt of a copy of this order, failing which order of attachment will follow qua the property, which is morefully described in the schedule appended to the judges summons.

5. Learned counsel for the applicant says that award has been passed on 30.03.2016.

6. Registry is directed to communicate this order to the respondent. The applicant is permitted to communicate this order privately .

6.1. The order be communicated to the respondent via publication, as it appears that it is not possible to serve the respondent by means of usual mode.

7. Re-notify on 22.12.2016.

vsm

03.11.2016

RAJIV SHAKDHER, J.

vsm

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