

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.04.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.No.577 of 2017
and
C.M.P.Nos.3411 and 4833 of 2017

1.Mr.M.Dhiviya Sanjeevi
2.Mr.A.Chinnadurai

...Appellants

...vs...

M/s.Sundaram Finance Limited,
Rep.by its Assistant Manager (Legal),
21, Pattulos Road,
Chennai - 600 002.

... Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 37(1) and (2) of Arbitration and conciliation Act, 1996 against the order dated 13.01.2017, passed in I.A.No.2 of 2016 in Arb.Case.SF/PG/139/2016 on the file of the Sole Arbitrator.

For Appellants :Mr.S.Saravanan
For Respondent :Mr.M.S.Sampath

JUDGMENT

The appeal has been preferred against the order of attachment made by the Arbitrator appointed by the respondent in connection with a dispute arising out of hire purchase agreement involving a vehicle.

2) Heard Mr.S.Saravanan, learned counsel for the appellants and Mr.S.Sampath, learned counsel for the respondent.

3) Due to non-payment of vehicle loan, arbitration proceedings were initiated by the respondent. Challenging the attachment order, a petition was filed by the appellants and the same was dismissed. The said dismissal order is being challenging before this Court.

4) It is represented by both the counsels that the matter has been settled on payment of Rs.7.5 lakhs by the

petitioner to the respondent for which a letter dated 20.04.2017 has been issued by the respondent. The said fact is also confirmed by Mr.Sampath, learned counsel for the respondent.

5) Subsequently, the attachment order was also raised by the Arbitrator by order dated 31.03.2017. In view of the above developments, the appeal has become infructuous. However, since an entry has been made in the encumbrance certificate of the property maintained by the registration office, namely, Sub Registrar, Tharapuram, with regard to attachment order, in respect of the property, it is appropriate to direct the Sub-Registrar, Tharapuram to take note of the order passed by this Court and to delete the entry regarding attachment within a period of one week from the date of receipt of a copy of this order.

6) With the above direction, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

nvi

To

The Sub-Registrar, Tharapuram,
Tirupur District.

+lcc to Mr.S. Saravanan, Advocate Sr. 23917

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PA(CO)
VR(10/5/2017)

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