

Application No.806 of 2017**Dr. S.VIMALA, J.**

Despite notice being served on the respondent and his name printed in the cause list, there is no representation for him.

2. This Application is filed by the Applicant, seeking direction to the respondent to furnish security to the tune of Rs.4,57,337/- failing which to order attachment of the immovable properties, morefully described in the schedule.

3. Heard the learned counsel appearing for the Applicant.

4. It is the submission of the learned counsel for the Applicant that, as provided under Clause 29 of the Loan agreement (providing for resolution of dispute through Arbitration), the Applicant has already appointed an Arbitrator; as per the loan agreement, as on 27.01.2017, a sum of Rs.4,57,337/- is due and payable by the respondent.

5. An apprehension is expressed that, in order to delay or obstruct the execution of the award that may be passed against them, the respondent is trying to disburse the property. It is represented that the remedy provided under Section 17 of the Act will not be efficacious. This Court finds that such circumstances exist in this case. Therefore, subject to the condition that the Applicant shall proceed with the Arbitration Proceedings, the respondent is directed to furnish security to the extent of the claim made in this Application, within a period of three weeks.

6. List the case after three weeks.

06.04.2017

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Note to office.: Applicant is permitted to communicate this order to the respondent, forthwith.

Dr.S.VIMALA, J.

vga

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