

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 10TH DAY OF DECEMBER 2020

THE HON'BLE MS. JUSTICE P.T.ASHA

A.Nos.493 to 496 of 2020

A. No.493 of 2020:-

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of Arbitration of dispute
between – Sundaram Finance Limited
– and - Mr.Venkatachalam – and –
another – Loan Agreement No:
J000600787 – dated: 16.02.2015.

M/s.Sundaram Finance Limited,
having its Registered Office at
No:21, Patullos Road, Chennai – 600 002,
rep.by its Senior Manager (Legal),
Mr.N.Madhusudhanan.

... Applicant

-Versus-

1. Mr.M.Venkatachalam,
Son of Mr.M.Muthusamy,
No:17-2, 3rd Cross, Sastri Nagar,
Annadanapatti, Salem – 636 002.

Carries on business as:

Sri Balamurugan Roadways,
at No:17-2, 3rd Cross, Sastri Nagar,
Annadanapatti, Salem – 636 002.

... Respondent

*** 2. M/s.N.M.Transport,
A Partner ship firm carries on business at
No.17/2, 3rd Cross Street, Shastri Nagar,
Annathanapatti,
Salem-636 002,
Rep.by its partner Mrs.Thilagavathy Senthil Kumar,
(2nd Respondent impleaded as per order dated 17.08.2020
in A.No.1625 of 2020)**

*** 3. Indian Oil Corporation Limited,
Tamil Nadu State Office, Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai – 600 034. ... Garnishee**

Application praying that this Hon'ble Court be pleased to pass a Prohibitory order against the Garnishee restraining and prohibiting them from paying any amount to the tune of Rs.9,26,527/- to the respondent or any person claiming under him and direct the Garnishee to deposit the said amount into this Hon'ble court to the credit of this application and consequently restraining and prohibiting the respondent, his agents, representatives or authorised persons from receiving any amount from the Garnishees until further orders of this Hon'ble court pending initiation and disposal of the arbitral proceedings and the enforcement of the award.

A. No.494 of 2020:-

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of Arbitration of dispute
between – Sundaram Finance Limited
– and - Mr.Venkatachalam – and –

another – Loan Agreement No:
L000600857 – dated: 08.12.2016.

M/s.Sundaram Finance Limited,
having its Registered Office at
No:21, Patullos Road, Chennai – 600 002,
rep.by its Senior Manager (Legal),
Mr.N.Madhusudhanan.

... Applicant

-Versus-

1. Mr.M.Venkatachalam,
Son of Mr.M.Muthusamy,
No:17-2, 3rd Cross, Sastri Nagar,
Annadanapatti, Salem – 636 002.

Carries on business as:

Sri Balamurugan Roadways,
at No:17-2, 3rd Cross, Sastri Nagar,
Annadanapatti, Salem – 636 002.

... Respondent

*** 2. M/s.N.M.Transport,
A Partner ship firm carries on business at
No.17/2, 3rd Cross Street, Shastri Nagar,
Annathanapatti,
Salem-636 002,
Rep.by its partner Mrs.Thilagavathy Senthil Kumar,
(2nd Respondent impleaded as per order dated 17.08.2020
in A.No.1626 of 2020)**

*** 3. Indian Oil Corporation Limited,
Tamil Nadu State Office, Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai – 600 034.**

... Garnishee

Application praying that this Hon'ble Court be pleased to pass a

Prohibitory order against the Garnishee restraining and prohibiting them

from paying any amount to the tune of Rs.39,80,129.35ps. to the

Respondent or any person claiming under him and direct the Garnishee to deposit the said amount into this Hon'ble court to the credit of this application and consequently restraining and prohibiting the respondent, his agents, representatives or authorised persons from receiving any amount from the Garnishees until further orders of this Hon'ble court pending initiation and disposal of the arbitral proceedings and the enforcement of the award.

A. No.495 of 2020:-

In the matter of Arbitration and
Conciliation Act, 1996
and

In the matter of Arbitration of dispute
between – Sundaram Finance Limited
– and - Mr.Venkatachalam – and –
another – Loan Agreement No:
L000600856 – dated: 08.12.2016.

M/s.Sundaram Finance Limited,
having its Registered Office at
No:21, Patullos Road, Chennai – 600 002,
rep.by its Senior Manager (Legal),
Mr.N.Madhusudhanan.

... Applicant

-Versus-

1. Mr.M.Venkatachalam,
Son of Mr.M.Muthusamy,
No:17-2, 3rd Cross, Sastri Nagar,
Annadanapatti, Salem – 636 002.

Carries on business as:

Sri Balamurugan Roadways,
at No:17-2, 3rd Cross, Sastri Nagar,
Annadanapatti, Salem – 636 002.

... Respondent

*** 2. M/s.N.M.Transport,**

A Partner ship firm carries on business at

**No.17/2, 3rd Cross Street, Shastri Nagar,
Annathanapatti,
Salem-636 002,**

**Rep.by its partner Mrs.Thilagavathy Senthil Kumar,
(2nd Respondent impleaded as per order dated 17.08.2020
in A.No.1626 of 2020)**

*** 3. Indian Oil Corporation Limited,
Tamil Nadu State Office, Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai – 600 034.**

... Garnishee

Application praying that this Hon'ble Court be pleased to pass a Prohibitory order against the Garnishee restraining and prohibiting them from paying any amount to the tune of Rs.30,06,591/- to the respondent or any person claiming under him and direct the Garnishee to deposit the said amount into this Hon'ble court to the credit of this application and consequently restraining and prohibiting the respondent, his agents, representatives or authorised persons from receiving any amount from the Garnishees until further orders of this Honble court pending initiation and disposal of the arbitral proceedings and the enforcement of the award.

A. No.496 of 2020:-

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of Arbitration of dispute
between – Sundaram Finance Limited
– and - Mr.Venkatachalam – and –
another – Loan Agreement No:
L000600855 – dated: 08.12.2016.

M/s.Sundaram Finance Limited,
having its Registered Office at
No:21, Patullos Road, Chennai – 600 002,
rep.by its Senior Manager (Legal),
Mr.N.Madhusudhanan.

... Applicant

-Versus-

1. Mr.M.Venkatachalam,
Son of Mr.M.Muthusamy,
No:17-2, 3rd Cross, Sastri Nagar,
Annadanapatti, Salem – 636 002.

Carries on business as:

Sri Balamurugan Roadways,
at No:17-2, 3rd Cross, Sastri Nagar,
Annadanapatti, Salem – 636 002.

... Respondent

*** 2. M/s.N.M.Transport,
A Partner ship firm carries on business at
No.17/2, 3rd Cross Street, Shastri Nagar,
Annathanapatti,
Salem-636 002,
Rep.by its partner Mrs.Thilagavathy Senthil Kumar,
(2nd Respondent impleaded as per order dated 17.08.2020
in A.No.1628 of 2020)**

* 3. Indian Oil Corporation Limited,
Tamil Nadu State Office, Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai – 600 034.

... Garnishee

Application praying that this Hon'ble Court be pleased to pass a Prohibitory order against the Garnishee restraining and prohibiting them from paying any amount to the tune of Rs.30,07,462.00/- to the respondent or any person claiming under him and direct the Garnishee to deposit the said amount into this Hon'ble court to the credit of this application and consequently restraining and prohibiting the respondent, his agents, representatives or authorised persons from receiving any amount from the Garnishees until further orders of this Hon'ble court pending initiation and disposal of the arbitral proceedings and the enforcement of the award.

These Applications are coming on this day before this court for hearing the court made the following order:

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Today when the matter was called, the learned counsel for the applicant would submit that they have received the entire amount from the respondents.

shall issue necessary no objection certificate to the respondents on or before 18.12.2020.

3. Post the matter on 21.12.2020 for reporting compliance.

Sd/.P.T.A.J.
10.12.2020

//Certified to be a true copy//

Dated this the th day of 2020.

su.11.12.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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