

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.1732 of 2019

M/s.Cholamandalam Investment and
Finance Company Limited,
'Dare House', No.2, N.S.C.Bose Road,
Parrys, Chennai - 600 001.

Represented by its Authorised Signatory

Applicant

versus

1.Subhrajit Dhir,
S/o.Harihara Dhir

2.Harihar Dhir [Deceased]
S/o.Lakmidhar Dhir

3.Sarojini Dhir
W/o.Harihar Dhir

4.Sanatan Dhir
S/o.Harihar Dhir

5.Sabitri Dhir
D/o.Harihar Dhir

6.Sujit
S/o.Harihar Dhir

7.Susama Dhir
D/o.Harihar Dhir

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Respondents

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[Respondents 3 to 7 were brought on record as LR of the deceased second respondent as per order dated 17.03.2020 in A.No.406 of 2020]

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9(ii)(b) of the Arbitration and Conciliation Act, 1996, to direct the respondents to furnish security for the sum of Rs.2,53,364/- within a time fixed by this Court, failing which to order attachment of the immovable properties morefully described in the Schedule to the Judges Summons till enforcement of the award passed in the arbitration proceedings and a copy of the attachment order be transmitted through the learned District Judge, Jajpur, Orissa and the attachment order may be hand delivered to the applicant for transmission.

For Applicant : Mr.D.Pradeep Kumar

ORDER

This application has been filed by the applicant, seeking a direction to the respondents to furnish security for the sum of Rs.2,53,364/- within a time fixed by this Court, failing which to order attachment of the immovable properties morefully described in the Schedule to the Judges Summons till enforcement of the award passed in the arbitration proceedings and a copy of the attachment order be transmitted through the learned District Judge, Jajpur, Orissa and the attachment order may be hand delivered to the applicant for transmission.

2. The first respondent availed of finance facilities pursuant to Loan Agreement No.XSHUJAJ00000942979 dated 30.03.2013, for a sum of Rs.3,71,730/- towards purchase of a vehicle. It is also submitted by the learned counsel for the applicant through video conferencing that arbitration proceedings have concluded and an award has been passed in its favour on 23.05.2016. As per the award, the respondents are liable to pay a sum of Rs.2,53,364/-, together with interest.

3. In such view of the matter, this Court is not inclined to pass any interim measures under Section 9 of the Arbitration and Conciliation Act, 1996. Therefore, it is open to the applicant to enforce the award as per law.

4. With the above observation, this application stands closed.

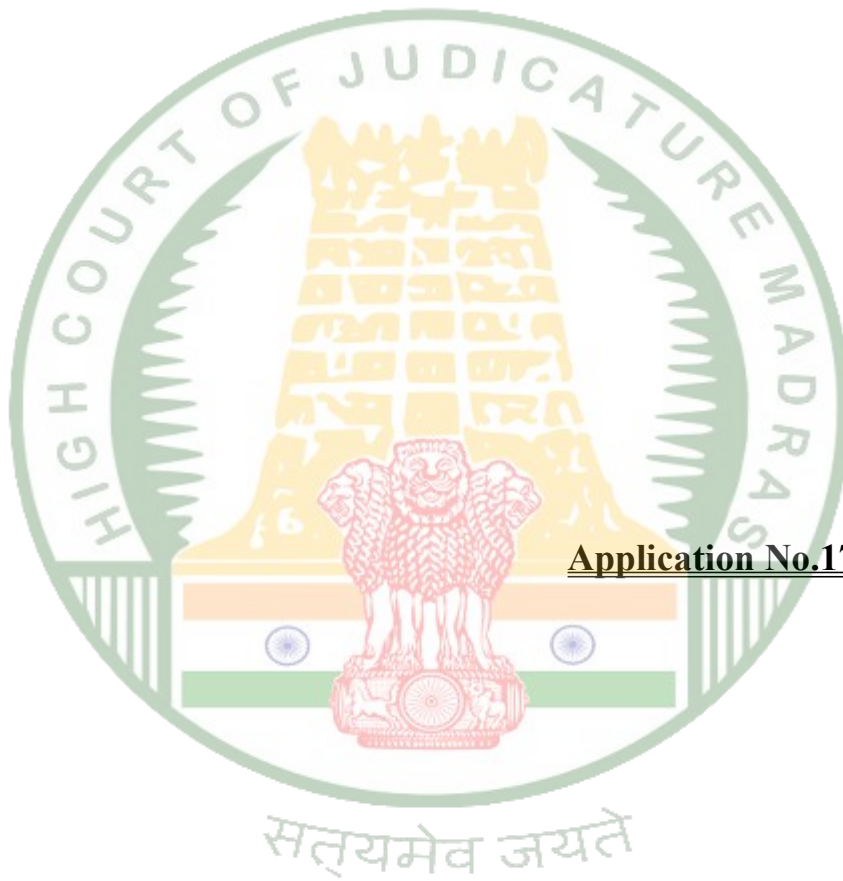
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N.SATHISH KUMAR, J.

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