



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY THE 31ST DAY OF JULY 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.3612 of 2018

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Disputes between
M/s. Cholamandalam Investment
and Finance Company Ltd. And
Mr.Harish Vijayrao Dabre and
another

Arising under Loan Agreement No.
XVFPYTL00001654212 Dated
23.04.2016.

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

Vs.

1.Mr.Harish Vijayrao Dabre
S/o. Vijayrao Dabre
AP-Sonkhas, Tal- Ner,Dist-Yavatmal
Ner Parsopant,Maharashtra-445102

2.Mr.Vijay Avudhutrao Dabre
S/o.Avdhutrao Dabre
AP-Sonkhas, Tal- Ner,Dist-Yavatmal
Ner Parsopant,Maharashtra-445102

: Respondent



Application praying that this Hon'ble Court be pleased to direct the

Respondent to furnish security for the sum of Rs. 2,79,561/- within a time fixed by this Hon'ble court failing which to order attachment of the immovable properties morefully described in the Schedule to the Judges Summons pending disposal of arbitration proceedings between the Applicant and the Respondents and till enforcement of the award that may be ultimately passed in the arbitration proceedings and a copy of the attachment orde be transmitted through the Principal Civil and session Judge, Yavatmal. Maharashtra and the attachment order may be hand delivered to the applicant for transmission.

This application coming on this day before this court for hearing in the presence of Mr.D.Pradeep Kumar Advocate for the Applicant herein, and the responent herein not appearing in person or by advocate and upon reading the order herein dated 01.06.2020, **It is ordered as follows:-**

That the immovable property morefully setout in the schedule hereunder, be and is hereby attached and the same do remain under attachment until further orders of this Court.

2. That 2 copies of this order be transmitted to the Principal Civil and session Judge, Yavatmal, Maharashtra for effecting the attachment and the said court do cause the said immovable property to be attached through



Senior Bailiff of the said Court in respect of the claim of a sum of Rs.2,79,561/- (Rupees Two Lakhs Seventy Nine Thousand Five Hundred and Sixty One only) and communicate the effect of such attachment to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property is situated.

3. That the A.No.3612 of 2019 do stand closed.

Schedule of Property

2nd respondent's share in Land situated in Village-Sankhakas (379) (Sankhas), Taluka - Ner, District-Yavatmal, Group No.and Sub Division No.-131, Area - 6.91.00, Account No.7.

WITNESS THE HON'BLE THIRU.AMRESHWAR PRATAP SAHI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 31ST DAY OF JULY 2020.

Sd./-

ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



DL

25.09.2020

WEB COPY-----

17.02.2022

A.No.3612 of 2018

ORDER

DATED :31.07.2020

THE HON'BLE MR.JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 22.02.2022

APPROVED ON: 22.02.2022

Copy to:

1. The Principal Civil
and session Judge,
Yavatmal, Maharashtra.

2. The Sub Registrar,
Sub Registrar Office,
Ner, Taluka Ner,
District Yavatmal.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.3612 of 2018

M/s.Cholamandalam Investment
and Finance Company Limited,
"Dare House", No.2, N.S.C., Bose Road,
Parrys,
Chennai-600 001,
rep. By its Authorised Signatory.

. . Applicant

Versus

1.Mr.Harish Vijayrao Dabre
2.Mr.Vijay Avdhutrao Dabre

. . . Respondents

PRAYER: Application filed under Order XIV Rule 8 of original side rules r/w. SEC 9(ii)(b) of the Arbitration and Conciliation Act, 1996, to direct the respondents to furnish security for the sum of Rs.2,79,561/- 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 pending disposal of arbitration proceedings between the applicant and the respondents 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 Principal Civil & Session Judge, Yavatmal, Maharashtra and the attachment order may be hand delivered to the applicant for transmission.



For Applicant : Mr.D.Pradeep Kumar

For Respondents : No Appearance

ORDER

This Court, by order dated 01.06.2020, directed the first respondent to furnish security for a sum of Rs.2,79,561/- on or before 31.07.2020.

2. Since it is reported that the second respondent died and the first respondent being a legal heir of the second respondent, is liable and since order dated 01.06.2020 was not complied with, the attachment of the immovable properties which fell on the first respondent alone, is to be ordered.

3. With the above observation, this application is closed. Registry is directed to communicate the order to the authorities concerned.

Sd./-N.S.K.J.
31.07.2020

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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