

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.4879 of 2018

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.Jitendra Balasara

2.Velajibhai Balasara

...

Respondents

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.2,51,775/- 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 Additional District Court, Anjar, Gujarat 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 application has been filed by the applicant, seeking a direction to the respondents to furnish security for the sum of Rs.2,51,775/- 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 Additional District Court, Anjar, Gujarat 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.XVFPGDM00000632071 dated 14.09.2011, for a sum of Rs.4,64,000/- towards purchase of a vehicle. It is also submitted by the learned counsel for the applicant that arbitration proceedings have concluded and an award has been passed in its favour on 12.03.2015. As per the award, the respondents are liable to pay a sum of Rs.2,51,775/-, together with interest.

3. Today, when the matter was called, the learned counsel appearing for the applicant submitted through video conferencing that the second respondent died and seeks time to bring the legal representatives on record.

4. In such view of the matter, no further orders is required to be passed in this application and hence, the same is closed. It is open to the applicant to work out his remedy to implead the legal representatives of the second respondent for enforcing the award as per law.

03.08.2020

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N.SATHISH KUMAR, J.

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