

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.5704 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

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Applicant

versus

Shunmugavel, S.
S/o.Swamy Nadar,
No.23-29, Peyenkuzhi, Nullivilai,
Peyankuzhi PO,
Kalkulam Taluk, Opp Bus Stop,
Tamilnadu – 629 809.

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Respondent

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 respondent to furnish security for a sum of Rs.1,21,704/- together with interest and cost as per award in Arbitration Case No.PD468 of 2016 within a time fixed by this Court, failing which to order attachment of the immovable property more fully 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 Subordinate Court, Padmanabhapuram and the attachment order may be hand delivered to the applicant for transmission.

For Applicant

: Mr.N.Santhosh Nagarajan

ORDER

This application has been filed by the applicant, seeking a direction to the respondent to furnish security for a sum of Rs.1,21,704/- together with interest and cost as per award in Arbitration Case No.PD468 of 2016 within a time fixed by this Court, failing which to order attachment of the immovable property more fully 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 Subordinate Court, Padmanabhapuram and the attachment order may be hand delivered to the applicant for transmission.

2. The respondent availed of finance facilities pursuant to Loan Agreement No.XSHUNCF00000906822 dated 15.02.2013, for a sum of Rs.2,65,500/- 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 21.12.2016. As per the award, the respondent is liable to pay a sum of Rs.1,21,704/-, together with interest.

3. Today, when the matter was called, the learned counsel appearing for the applicant submitted through video conferencing that the sole 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 respondent for enforcing the award as per law.

Sd/.N.S.K.J
30.07.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/18.09.2020

COURT OFFICER(O.S.)

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