

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.5793 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.Nirmal Singh,
S/o.Rajendra Singh,
Panchsheel Nagar, West Ward - 20,
BMY Charoda, Durg, Bhilai,
Chhattisgarh - 490 025.

2.Manjeet Singh,
S/o.Pritam Singh,
Panchsheel Nagar, West Ward - 20,
BMY Charoda, Durg, Bhilai,
Chhattisgarh - 490 025.

3.Gurdeep Singh,
S/o.Pritam Singh,
Panchsheel Nagar, West Ward - 20,
BMY Charoda, Durg, Bhilai,
Chhattisgarh - 490 025.

4.Dimple Kour,
D/o.Pritam Singh,
Panchsheel Nagar, West Ward - 20,
BMY Charoda, Durg, Bhilai,
Chhattisgarh - 490 025.

...

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.3,52,148/- 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 District Judge, Durg, Chhattisgarh 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.3,52,148/- 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 District Judge, Durg, Chhattisgarh and the attachment order may be hand delivered to the applicant for transmission.

2. Heard Mr.D.Pradeep Kumar, learned counsel appearing for the applicant.

3. Notice sent to the respondents and affidavit of service has been filed indicating 'private notice along with copy of affidavit and Judge's Summons was sent to respondents and the returned covers are filed herewith'. Though the name of the respondents are also printed in the cause list, there is no representation for them either in person or through counsel.

4. The first respondent availed of finance facilities pursuant to Loan Agreement No.XSHUBLA00002007948 dated 31.05.2017, for a sum of Rs.9,00,000/- 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 06.06.2019. As per the award, the respondents are liable to pay a sum of Rs.3,52,148/-, together with interest.

5. In such view of the matter, this Court is not inclined to pass any order in this application. However, it is open to the applicant to work out his remedy by enforcing the award as per law. Hence, this application is closed.

30.07.2020

sri

N.SATHISH KUMAR, J.

sri



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