

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.6926 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

Harekrushna Khatua,
S/o.Biranchi Khatua,
AT-Jhinkardali, PO - Baghiabahal,
Boudh, Orissa - 762 016.

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 the sum of Rs.2,40,937/- 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 District and Sessions Judge, Bouh, Orissa and the attachment order may be hand delivered to the applicant for transmission.

For Applicant

: Mr.D.Pradeep Kumar

For Respondent

: No Appearance

ORDER

This application has been filed by the applicant, seeking a direction to the respondent to furnish security for the sum of Rs.2,40,937/- 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 Hon'ble District and Sessions Judge, Bouh, Orissa and the attachment order may be hand delivered to the applicant for transmission.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the applicant submitted that no security has been furnished as directed by this Court. He further submitted that an award in arbitration between the applicant and the respondent has been passed on 20.09.2018 in Arbitration Case No.SP852/17.

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3. Notice sent to the respondent was returned with an endorsement "addressee out of station" and an affidavit of service is also filed enclosing returned cover. Though the name of the respondent is

printed in the cause list after service by paper publication, there is no representation for him either in person or through counsel. Hence, service to the respondent is held sufficient.

4. In view of the above circumstances, this Court is satisfied that the prayer sought for by the applicant is warranted. Therefore, there shall be an order of attachment as prayed for in the Judges summons and a copy of the attachment order be transmitted through the Hon'ble District and Sessions Judge, Bouh, Orissa and the same may be hand delivered to the applicant for transmission.

5. In view of the above, nothing survives in this application and the same stands closed. The parties are free to take such action, as they may desire hereinafter, in accordance with law.

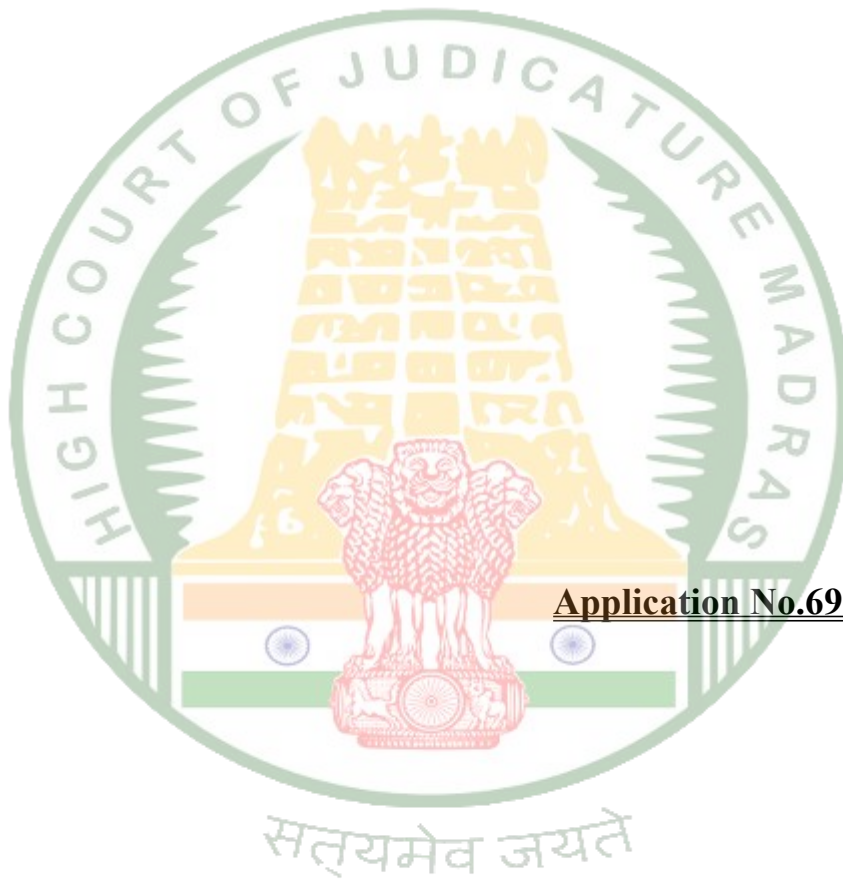
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N.SATHISH KUMAR, J.

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