

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 16TH DAY OF MARCH 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A.No.1056 of 2019
and
A.No.9106 of 2019

In the matter of the
Arbitration &
Conciliation Act, 1996

And
In the matter of
Arbitration of the dispute between
Hinduja leyland Finance Limited and
S.Manigandan, Loan Agreement
No.TNVERP00301 dated 01.03.2014.

HINDUJA LEYLAND FINANCE LIMITED

Rep by K.Prakash Authorised Signatory

..Applicant in both applications

-Vs-

1. S.MANIGANDAN

No.1 Gandhi Road, Arni.

2. S.RATHINASAMY

No.1 Gandhi Road, Arni

.Respondents in both applications

O.A.No.1056 of 2019:

This Original Application praying that this Hon'ble Court be

pleased to pass an order directing the Respondents to furnish security for a

sum of Rs.19,19,831/- being the Claim of the Applicant arising under the

Hire Purchase Agreement dated 01/03/2014 against the Respondents, within such time as this court may stipulate and in case of default to order Attachment before Judgment of the immovable property of the Respondents morefully described in the Schedule to the Judges Summons and the copy of the order to be sent to the Hon'ble District court, Tiruvannamalai.

A.No.9106 of 2019:

Application praying that this Hon'ble Court be pleased to pass an order directing the Respondents to furnish security for a sum of Rs.19,19,831/- being the Claim of the Applicant arising under the Hire Purchase Agreement dated 01/03/2014 against the Respondents, within such time as this court may stipulate and in case of default to order Attachment before Judgment of the immovable property of the Respondents morefully described in the Schedule to the Judges Summons and the copy of the order to be sent to the Hon'ble District court, Tiruvannamalai.

These Original Application and application coming on this day before this court for hearing the court made the following order:

When the matter is called, there is no representation on behalf of the applicant.

2. The learned counsel appearing for the respondents submitted

that till now, there is no arbitration is invoked. If any order is passed under

Section 9 of the Arbitration and Conciliation Act, arbitration is to be commenced within 90 days. However, to secure such an order, the applicant should demonstrate the manifest intention to arbitrate.

3. A perusal of the application shows that dispute arose in the year 2018 viz., 29.10.2018 and till now, proceedings has not been commenced and there is no steps to initiate the arbitration.

In such view of the matter, these applications are dismissed.

Sd/.N.S.K.J
16.03.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/26.05.2020

COURT OFFICER(O.S.)

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

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