

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.7736 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

1.Sachin Shivaji Kurhade,
S/o.Shivaji,
58, A/P - Gavanewadi Tal - Shrigonda,
Ahmednagar, Shirur,
Maharashtra - 412 210.

2.Shivaji Jabaji Kurhade,
S/o.Jabaji,
58, A/P - Gavanewadi Tal - Shrigonda,
Ahmednagar, Shirur,
Maharashtra - 412 210.

...

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.2,36,976/- 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 Civil Judge Junior Division Shevgaon, Tal - Shevgaon, Dist - Ahmednagar,

Maharashtra 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.2,36,976/- 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 Civil Judge Junior Division Shevgaon, Tal - Shevgaon, Dist - Ahmednagar, Maharashtra 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 respondents has been passed on 02.02.2018 in Arbitration Case No.DKR/CIFCO/4119/2017.

3. Notices sent to the respondents were served and an affidavit of service is also filed enclosing acknowledgement cards. Though the names of the respondents are printed in the cause list after service by paper publication, there is no representation for them either in person or through counsel. Hence, service to the respondents 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 Civil Judge Junior Division Shevgaon, Tal - Shevgaon, Dist - Ahmednagar, Maharashtra and the same may be hand delivered to the applicant for transmission.

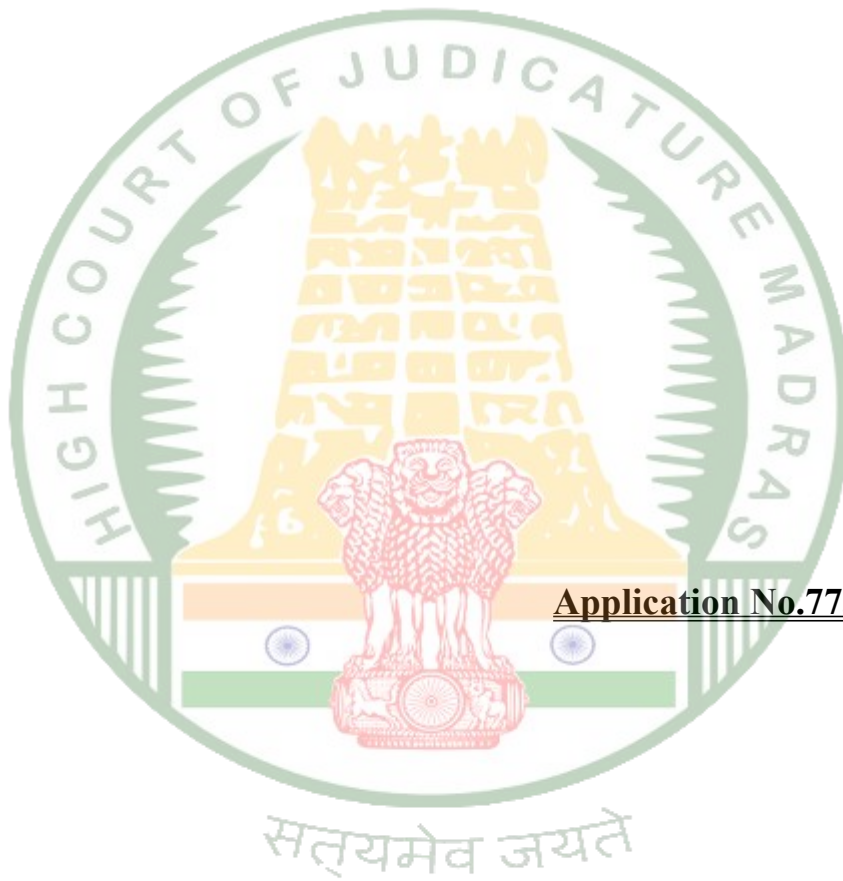
5. In view of the above, nothing survives in this application and the same stands closed. The parties are free to take such action, as they may desire hereinafter, in accordance with law.

22.07.2020

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N.SATHISH KUMAR, J.

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