

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.9262 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

Joe Prince S.
S/o.Siluvai Muthu
No.4/32, Kalliadadduvilai,
Vattam, Thiruvithancode Po,
Kanyaumari, Kackulam Taluk,
Near CSI Church, Tamilnadu-629 174. ... 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.9,78,455.05 within a time fixed by this Court, failing which to order attachment of the immovable property morefully described in the Schedule to the Judges Summons pending initiation and disposal of the arbitration proceedings between the applicant and the respondent 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 Subordinate Court,

Padmanabapuram and the attachment order may be hand delivered to the applicant for transmission.

For Applicant	: Mr.N.Santhosh Nagarajan
For Respondent	: Mr.T.Sundaravadanam

ORDER

This application has been filed by the applicant, seeking a direction to the respondent to furnish security for the sum of Rs.9,78,455.05 within a time fixed by this Court, failing which to order attachment of the immovable property morefully described in the Schedule to the Judges Summons pending initiation and disposal of the arbitration proceedings between the applicant and the respondent 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 Subordinate Court, Padmanabapuram and the attachment order may be hand delivered to the applicant for transmission.

2. Today, when the Application is taken up for consideration, the learned counsel appearing for the applicant submitted through video conferencing that the arbitration proceedings have been initiated and pending. The learned counsel for the respondent submitted that the vehicle has already been seized and sold by the applicant.

3. In such view of the matter, this Court is not inclined to pass any interim measure under Section 9 of the Arbitration and Conciliation Act. However, liberty is granted to the applicant to approach the learned Arbitrator for appropriate relief under Section 17 of the Arbitration and Conciliation Act. Accordingly, this application is closed.

Sd/.N.S.K.J.
28.08.2020

//Certified to be a true copy//

Dated this the th day of 2020.

su.09.10.2020

COURT OFFICER(O.S.)

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

सत्यमेव जयते

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