

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.7600 of 2018
and Application No.9850 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.Bhikha Bhima Karavadara (Deceased)
S/o.Bhima Karavadara

2.Raniben Bhikha Karavadara
W/o.Bhikha Karavadara

Respondents

[2nd respondent brought on record as LR
of the deceased sole respondent as per order
dated 19.09.2019 in A.No.5846 of 2019]

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.2,67,597.17 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 initiation and 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 Court, Porbandar, Gujarat and the attachment order may be hand delivered to the applicant for transmission.

For Applicant : Mr.D.Pradeep Kumar

ORDER

Application No.7600 of 2018 has been filed by the applicant, seeking a direction to the respondents to furnish security for the sum of Rs.2,67,597.17 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 initiation and 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 Court, Porbandar, Gujarat and the attachment order may be hand delivered to the applicant for transmission.

2. Today, when the matter was called, the learned counsel appearing for the applicant submitted through video conferencing that the sole respondent died and hence, Application No.9850 of 2019 has been filed to implead and bring on record the second respondent as the legal representative of the deceased sole respondent in Application No.7600 of 2018.

3. This matter has been pending from the year 2018 seeking interim order and it appears that the sole respondent died and award has also passed in its favour. In such view of the matter, this Court is not inclined to pass any interim measures under Section 9 of the Arbitration and Conciliation Act, 1996. Therefore, it is open to the applicant to work out his remedy to implead the legal representative of the deceased sole respondent for enforcing the award as per law.

4. With the above observations, these applications are closed.

21.08.2020

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N.SATHISH KUMAR, J.

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