

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

A.No.8566 of 2018

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

Vs.

1.Mrs.Manishaben Raichandbhai Patel,
S/o.Raichandbhai Upam Ukkad,
9, Brahmin Faliya, Kudacha, Rakholi,
Silvassa, Haveli,
Dadra and Nagar, Haveli – 396 230.

2.Mr.Uttambhai Ukkad Patel,
S/o.Ukkad Bhai,
9, Brahmin Faliya, Kudacha, Rakholi,
Silvassa, Haveli,
Dadra and Nagar, Haveli – 396 230.

... Respondents

PRAYER: Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9 (ii) (b) of the Arbitration and Conciliation Act 1996, to direct the respondents to furnish security for the sum of Rs.15,87,341/- within a time fixed by this Court failing which to order attachment of the immovable properties more fully described in the schedule to the judges summons 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, Silvassa 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 to direct the respondents to furnish security for a sum of Rs.15,87,341/- failing which to attach the immovable property of the respondent morefully described in the schedule, till the enforcement of the Award that may be ultimately passed in the arbitration proceedings.

2. The learned counsel appearing for the applicant through video conferencing submitted that the award was already passed and the second respondent also died. Therefore, he seeks time to take steps to implead the legal heirs of the second respondent.

3. In such view of the matter, this Court is of the view that since the award was passed long back, it is for the applicant to workout his remedy to enforce the award as per law by impleading the legal heirs of the second respondent in the execution proceedings.

4. With the above observations, this application is closed.

Sd/.N.S.K.J
23.07.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/09.09.2020

COURT OFFICER(O.S.)

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