

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.10158 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

versus

1.Dillip Singh Dharua

2.Gartia Singh Dharua

...

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.5,64,084/- 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 District and Session Judge, Bargarh, Orissa and the attachment order may be hand delivered to the applicant for transmission.

For Applicant

: Mr.D.Pradeep Kumar

ORDER

This application has been filed by the applicant, seeking a direction to the respondents to furnish security for the sum of Rs.5,64,084/- 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 District and Session Judge, Bargarh, Orissa and the attachment order may be hand delivered to the applicant for transmission.

2. The first respondent availed of finance facilities pursuant to Loan Agreement No.XVFPBGH00001350841 dated 30.01.2015, for a sum of Rs.7,40,950/- towards purchase of a vehicle. It is also submitted by the learned counsel for the applicant that arbitration proceedings have concluded and an award has been passed in its favour on 06.03.2018. As per the award, the respondents are liable to pay a sum of Rs.5,64,084/-, together with interest.

3. Today, when the matter was called, the learned counsel appearing for the applicant submitted through video conferencing that already the award has been passed and the notices sent to the respondents were returned with an endorsement "addressee absent longtime" and an affidavit of service is also filed enclosing returned covers. Though the names of the respondents are printed in the cause list, there is no representation for them either in person or through counsel.

4. In such view of the matter, it is open to the applicant to enforce the award as per law and hence, this application stands closed.

sri

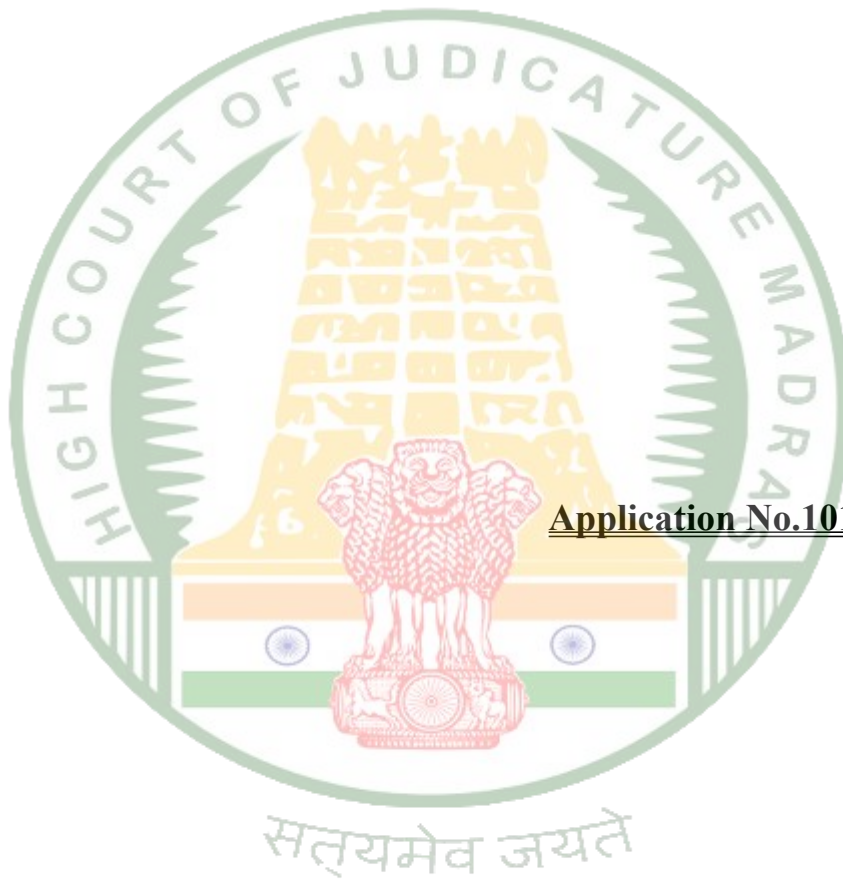
03.08.2020

सत्यमेव जयते

WEB COPY

N.SATHISH KUMAR, J.

sri



Application No.10158 of 2018

WEB COPY

03.08.2020