

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 09.07.2020****CORAM:****THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR****A.Nos.10230,8098,8103,8124,8125,8123 & 8304 of 2018**

M/s.Cholamandalam Investment and Finance Company Ltd.,
'Dare House', No.2, N.S.C.Bose Road,
Parrys,
Chennai- 600 001.

Rep. By its Authorized Signatory.

... Applicant

Versus

Mr.Bright.C
S/o.Chellan,
No.15/13, Kuzhicodeilulai, Edaicode,
Vilavancode, Kanyakumari, Near Bus Stop,
Tamilnadu-629 152.

... Respondent

PRAYER: Application filed under Order XIV Rule 8 of original side rules
r/w.SEC 9(ii)(b) of the Arbitration and Conciliation Act, 1996, to direct the
respondent to furnish security for the sum of Rs.2,87,936.59/- within a time
fixed by this Honble 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 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 Kuzhithurai and the attachment order may be hand delivered to the applicant for transmission.

For Applicant : Mr.N.Santhosh Nagarajan

For Respondent : Benjamin Gense

ORDER

These applications have been filed to direct the respondent to furnish security for the sum of Rs.2,87,936.59/- within a time fixed by this Honble 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 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 Kuzhithurai and the attachment order may be hand delivered to the applicant for transmission.

2. When the matter is taken up today, the learned counsel for the applicant submitted that in A.No.8304 of 2019, the award itself has been passed and in other matters, the arbitration proceedings have been initiated.

3. In such view of the matter, interim Order cannot be granted to the applicant as a matter of right. The applicant can very seek such a relief before the arbitrator under Section 17 of the Arbitration and Conciliation Act and this Court do not find any circumstances to come to the conclusion that the Tribunal may not be in a position to pass such an Order in order to preserve or protect the property.

4. Accordingly, these applications are closed with a liberty to the petitioner to seek the interim relief before the arbitral tribunal which has already been constituted and where the dispute is pending.

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Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking
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N.SATHISH KUMAR, J.

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