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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 22nd DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A. No.293 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Disputes between
M/s.Cholamandalam Investment
and Finance Company Ltd., and
Mrs.Vasanthi & another Arising
under Loan Agreement
No.XSHUPYF00001866344 Dated
30.12.2016 & Agreement
No.XVFPPYF00002814119 Dated
22.02.2019.

M/s.Cholamandalam Investment and
Finance Company Limited,
No.45, Justice Basheer Ahmed Sayeed Building,
IInd Floor, 2nd Line Beach, Moore Street,
Parrys, Chennai – 600 001.
Represented by its Authorised Signatory.

... Applicant

-Versus-

1.Mrs.Vasanthi,
W/o Moorthy,
No.4, IInd Cross Street, Kurunji Nagar,
Lawspet, Near Park,
Pondicherry – 605 008.

2.Mr.Moorthy,
S/o Pandurangan,
No.4, IInd Cross Street, Kurunji Nagar,
Lawspet, Near Park,
Pondicherry – 605 008.

... Respondents



Application praying that this Hon'ble Court be pleased to direct the Respondents to furnish security for the sum of Rs.2,17,492/- within a time fixed by this Hon'ble 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 Sub Court, Tindivanam and the attachment order may be hand delivered to the applicant for transmission.

This application coming on this day before this court for hearing in the presence of Mr.D.Pradeep Kumar, Advocate for the Applicant herein, and the respondents herein not appearing in person or by advocate, and upon reading the order herein dated 17.04.2021 the learned counsel for the applicant having submitted that the respondents have not complied with the direction passed by this Court, therefore, he insist upon ordering attachment, **it is ordered as follows:-**

That the immovable properties more fully set out in the schedule hereunder be and is hereby attached and the same do remain under attachment until further orders of this Court.



Tindivanam for effecting the attachment and the said court do cause the said immovable properties to be attached through Senior Bailiff of the said Court in respect of the claim of a sum of Rs.2,17,492/- (Rupees Two lakh Seventeen Thousand Four hundred and Ninety Two only) and communicate the effect of such attachment to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable properties are situated.

Schedule of Property

Item 1

Property belonging to the 1st Respondent

Land Comprised in New survey No. 22/2 measuring an extent of Hectare 0.36.0 Ares (as per Document 0.92 Cents), Old Survey No. 39/1A2 (Before Sub-division 39/1A) in Aryankuppam Village having bounded on the

North by Thangavel Gounder & Jayalakshmi's Land

South by Moorthy's Land

East by Road

West by Moorthy's Land

Within SRO Mailam

Item 2

Property belonging to the 2nd Respondent

Land Comprised in New survey No. 22/1 measuring an extent of Hectare 0.34.0, Old Survey No. 39/1A1 measuring 0.85 Cents, and in 22/3



of Hectare 0.36.0 equalent to 0.98 Cents, Old Survey No. 39/1B2 totally measuring Acre 1.83 Cents in Aryankuppam Village.

Within SRO Mailam

Item 3

Property belonging to the 2nd Respondent

Land Comprised in Old survey No. 41/5 measuring an extent of Acre 3.28 out of which land in middle measuring 1.98 Cents Old Survey No. 41/6 measuring 0.26 Cents and in 32/2, (Old Survey No. 39/1B2) measuring 0.87 Cents and in 22/4 measuring Acre 3.11 in Aryankuppam Village having bounded on the

North by Udaya Kumar's Land

South by Pond and Land in S.No.41/6

East by A.VA Punjei Land

West by Thangavel's Land

Within SRO Mailam

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
22nd DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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EVK

12.08.2021

A. No.293 of 2021

ORDER

DATED : 22.07.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 17/08/02021

APPROVED ON: 18/08/2021

Copy to:

1.Mrs.Vasanthy,
W/o Moorthy,
No.4, IInd Cross Street,
Kurunji Nagar, Lawspet,
Near Park, Pondicherry – 605 008.

2.Mr.Moorthy,
S/o Pandurangan,
No.4, IInd Cross Street,
Kurunji Nagar, Lawspet,
Near Park, Pondicherry – 605 008.



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Application praying that this Hon'ble Court be pleased to direct the Respondents to furnish security for the sum of Rs.2,17,492/- within a time fixed by this Hon'ble 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 Sub Court, Tindivanam and the attachment order may be hand delivered to the applicant for transmission.

This application coming on this day before this court for hearing, the Court made the following order:-

This application is filed seeking a direction to the respondent to furnish security for the sum of Rs.2,17,492/- 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 & disposal of arbitration proceedings between the Appellant 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 Sub Court, Tindivanam and the attachment order may be hand delivered to the applicant for transmission.



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2. Heard the learned counsel for the applicants.

3. The case of the applicant is that the respondents herein have obtained a loan under the Loan Agreement No.XSHUPYF00001866344 dated 30.12.2016 for a sum of Rs.7,60,649/- and also obtained another loan under Loan Agreement No.XVFPPYF00002814119 dated 22.02.2019 for a sum of Rs.5,41,135/-. It is stated that the respondents have paid initial few installments and thereafter they turned out to be a defaulter. As the respondents have not paid further installments the applicant has come up with the present Application.

4. On an earlier occasion, this Court has ordered furnishing of security by the respondents within a period of four weeks vide order dated 17.04.2021. When the matter is taken up for hearing today, learned counsel for the applicant would submit that the respondents have not complied with the direction passed by this Court. Therefore, he insists upon ordering attachment.

5. Considering the above facts and circumstances of the case,

there shall be an order of attachment of the property described in the Judge's



summons. Accordingly, the application stands allowed.

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Sd./-V.P.N.J.
22.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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