



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.448 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
Mr.Gitaram Lahanu Kale Arising
under Loan Agreement
No.XTRAADN00002452849 Dated
23.06.2018.

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-

Mr.Gitaram Lahanu Kale,
S/o Lahanu Kale,
At/P-Fattewadeaon, 229, Tal-Ashti,
Dist-Beed, Near Kalewasti,
Maharashtra – 414 202.

... Respondent



the Respondent to furnish security for the sum of Rs.1,49,823.35 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 & 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 Civil Judge, (Junior Division) Ashti, District - Beed, Maharashtra 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 respondent herein not appearing in person or by advocate, and upon reading the order herein dated 30.03.2021 and the learned counsel for the applicant having submitted that the respondent 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.



WEB COPY

2. That 2 copies of this order be transmitted to the Civil Judge, (Junior Division) Ashti, District - Beed, Maharashtra, 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.1,49,823.35/- (Rupees One lakh Forty Nine Thousand Eight Hundred and Twenty Three and paise Thirty Five 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

Land situated in Village – Fatevadgaon, Taluka (Country) – Asti, District – Beed, Account No. 58, bearing Measurement Number and Subdivision Number and Area as follows:-

Measurement Number and Subdivision Number	Area
11	0.04.00
156	1.42.00
183	0.72.00
208	0.01.00
6	0.03.00
Total	2.22.00



Within SRO Ashti and Kamgar Talati Office Fattevadgaon.

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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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A. No.448 of 2021

ORDER

DATED : 22.07.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 17/08/2021

APPROVED ON: 18/08/2021

Copy to:

Mr.Gitaram Lahanu Kale,
S/o Lahanu Kale,
At/P-Gattewadeaon, 229, Tal-Ashti,
Dist-Beed, Near Kalewasti,
Maharashtra – 414 202.



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At/P-Fattewadeaon, 229, Tal-Ashti,
Dist-Beed, Near Kalewasti,
Maharashtra – 414 202.

... Respondent

Application praying that this Hon'ble Court be pleased to direct

the Respondent to furnish security for the sum of Rs.1,49,823.35 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 & 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 Civil Judge, (Junior Division) Ashti, District - Beed, Maharashtra 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.1,49,823.35/- 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 Civil Judge (Junior Division) Ashti District Beed, Maharashtra and the attachment order may be hand delivered to the applicant for transmission.

2.Heard the learned counsel for the applicant.

3.The case of the applicant is that the respondent herein has



purchased a vehicle Swaraj Tractor 744-48 HP by availing loan. It is stated that the respondent has paid initial few installments and thereafter he turned out to be a defaulter. As the respondent has not paid further installments the applicant has come up with the present Application.

3. On an earlier occasion, this Court has ordered furnishing of security by the respondent within a period of four weeks vide order dated 30.03.2021. When the matter is taken up for hearing today, learned counsel for the applicant would submit that the respondent has not complied with the direction passed by this Court. Therefore, he insists upon ordering attachment.

4. 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.

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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