



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 20th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A. No.612 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.Natubhai Babu Vindhani
Arising under Loan Agreement
No.XVFPRJT00003049266 Dated
27.06.2019.

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-

Mr.Natubhai Babu Vindhani,
S/o Babu Vindani,
Dhuva, New – Dhuva,
AT – Wankaner, Rajkot, Near Matel Road,
Gujarat – 363 621.

... Respondent



Application praying that this Hon'ble Court be pleased to direct the Respondent to furnish security for the sum of Rs.2,17,662/- 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 District Court, Morbi, Gujarat 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.N.Santhosh Nagarajan, Advocate for the Applicant herein, and and upon reading the order herein dated 07.04.2021 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.



Morbi, Gujarat 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.2,17,662/- (Rupees Two lakh Seventeen Thousand Six hundred and Sixty 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

All the piece and parcel of immovable property house situated at House No.240, Shree Dhuva Gram Panchayat, Taluka – Wankaner, District Morbin within Shree Dhuva Gram Panchayat, subject to tax levy of Shree Dhuva Gram Panchayat bearing Receipt No. 245, together with electricity connection & Fittings and share in land and other usual rights.

Within SRO Vankaner.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
20th 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.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



WEB COPY
EVK
12.08.2021

A. No.612 of 2021

ORDER

DATED : 20.07.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 17/08/2021

APPROVED ON: 18/08/2021

Mr.Natubhai Babu Vindhani,
S/o Babu Vindani,
Dhuva, New – Dhuva,
AT – Wankaner, Rajkot, Near Matel
Road, Gujarat – 363 621.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 20th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A. No.612 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.Natubhai Babu Vindhani
Arising under Loan Agreement
No.XVFPRJT00003049266 Dated
27.06.2019.

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-

Mr.Natubhai Babu Vindhani,
S/o Babu Vindani,
Dhuva, New – Dhuva,
AT – Wankaner, Rajkot, Near Matel Road,
Gujarat – 363 621.

... Respondent



Application praying that this Hon'ble Court be pleased to direct the Respondent to furnish security for the sum of Rs.2,17,662/- 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 District Court, Morbi, Gujarat 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.2,17,662/- 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 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 District Court, Morbi, Gujarat and the attachment order may be hand delivered to the applicant for transmission.



WEB COPY

2. Heard the learned counsel for the applicant.

3. The case of the applicant is that the respondent herein has purchased a vehicle Gemini CNG 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.

4. On an earlier occasion, this Court has ordered furnishing of security by the respondent within a period of three weeks vide order dated 07.04.2021. 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 insist 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.

Sd./-V.P.N.J.
20.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.