

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

A.No.903 of 2021

M/s.Samunnati Financial Intermediation & Services Pvt. Ltd,
Rep. by its Head of Stressed Accounts Mr.Sankaranarayana Sarma,
Having office at,
Baid Hi-Tech Park, 8th floor,
129-B, ECR, Thiruvanniyur,
Chennai – 600 041. ... Applicant

Vs.

1.M/s. Kandhian Feeds,
No.142, Salem,
Namakkal – 637 001.

2.Mr.Jagannathan

3.Mrs.Vijaya

4.Kandian Integra Pvt Ltd
No.756/142A, Salem Main Road,
Namakkal – 637001 ... Respondent

Prayer: Judges summon under Order XIV Rule 8 of OS Rules R/w
Section 9 of the Arbitration and Conciliation Act, 1996, to grant an

order of Interim Direction to the respondents to disclose on oath all their movable and immovable assets before this Court.

For Applicant : M/s.Nithyaesh and Vaibhav

ORDER

The Hon'ble I Bench of this Court by its order dated 15.02.2021 in O.S.A.No.53 of 2021 was called upon to consider the order passed by the learned Single Judge directing the appellant to give details of his assets. The Division bench has observed as follows:

“However wide the powers conferred on a Court under Section 9 of the Act may be seen to be, such powers may not extend to issuing orders for discovering the assets of an award debtor. Order XXI of the Code, that provides for execution, carries the necessary provisions for such purpose and Section 9 of the Act cannot be enlarged to incorporate the wide authority that an executing Court has to aid the award-holder, who metamorphoses as a decree-holder by the legal fiction contained in Section 36 (1) of the Act, to seek or obtain orders of such nature or of arrest or detention of the award-debtor or the sequestration of its assets and properties.”

2. In the light of the above Judgement, this application is dismissed.

05.03.2021

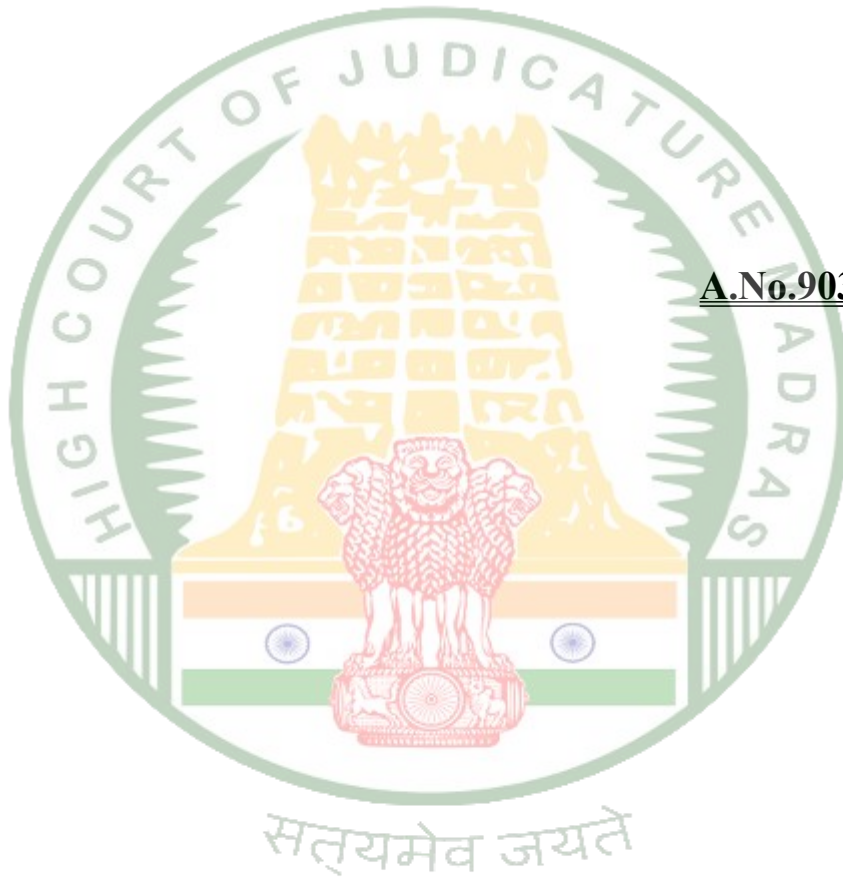
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