



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 19TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.826 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.Lalabhai Motibhai Bharvad &
another Arising under loan
Agreement

No.XTRASNR00002069983 Dated
10.08.2017.

M/s.Cholamandalam Investment and
Finance Company Limited,
No. 45, Justice Basheer Ahmed Sayeed Building,
II Floor, 2nd Line Beach, Moore Street,
Parrys, Chennai-600 001.

Represented by its Authorised Signatory

. . . Applicant

Versus

1. Mr.Lalabhai Motibhai Bharvad,
S/o. Motibhai Bharvad,
AT – Sarambhada, Surendra Nagar,
Near Bharvadvas,
Gujarat – 363330.

2. Mr. Masharubhai Motibhai Bharvad,
S/o. Motibhai Bharvad,
AT – Halvad, Surendra Nagar,
Near Panchmukhi Nagar,
Gujarat – 363330.

... Respondents



Application praying that this Hon'ble Court be pleased to direct the Respondents to furnish security for the sum of Rs.3,34,376.57/- 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 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. 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 21.06.2021, **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.

2.That 2 copies of this order be transmitted to the District 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.3,34,376.57/- (Rupees Three lakh Thirty Four Thousand Three Hundred and Seventy Six and Paise Fifty Seven 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

Respondent's share in Lands situated at village: Sarbhada, Taluk: Halvad, District: Morbi, bearing Account No. 35 and Survey No & Area as follows:

<i>Entry of Form No. 6</i>	<i>Survey No.</i>	<i>Area (H.Are.Sq.Mt.)</i>
1633	37	4-67-41
847	196/P/28	0-02-03
Total	2	4-69-44

Within SRO Halvad, Morbi District.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
19th 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.



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EVK
04.08.2021

A. No.826 of 2021

ORDER

DATED : 19.07.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 05/08/2021

APPROVED ON: 05/08/2021

Copy to:

The Sub Registrar,
The Sub Registrar's office,
Halvad, Morbi District.
Gujarat.



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

This application has been filed for a direction to the respondents to furnish security to the tune of Rs.3,34,376.57 within the time fixed by this Court and failing which the Order of attachment of the immovable properties more fully described in the Judge's summons.

2. This Court by an Order dated 21.06.2021 directed the respondents to furnish security for the claim amount.

3. Despite the Order of this Court directing to furnish security, the respondents have not furnished any security and none appeared for the respondents.



4. In view of the same, there shall be an Order of attachment of the immovable properties described in the schedule to the judges summons.

The registry is directed to communicate the Order of attachment to the concerned Registrar.

Sd./-N.S.K.J.

19.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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