



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 9TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.1623 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.Ashok Kumar Arising under
Loan Agreement
No.X0CETYV00002227664 Dated
30.12.2017.

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-

Mr.Ashok Kumar,
S/o. Ariyan,
No. 3/1, Agraharam, Kambarasampettai,
Mutharasanallur, Railway Gate,
Trichy, Tamil Nadu – 620 101.

... Respondent

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



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 Respondent and till enforcement of the award that may be ultimately passed in the arbitration proceedings and a copy of attachment order be transmitted through the Principal District Judge, Trichy 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 16.06.2021, **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.

2.That 2 copies of this order be transmitted to the Principal District Judge, Trichy 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.12,38,183.84/- (Rupees Twelve lakh Thirty Eight thousand One hundred and Eighty Three and paise Eighty Four 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.

3. That the applicant herein shall initiate arbitration proceedings within three months, failing which, the interim order granted by this Court stands automatically vacated.

4. That the A.No.1623 of 2021 do stand closed.

Schedule of Property

Land comprised in Survey No. 219/2 admeasuring an extent of Acre 2.90 Cents equalent to Hectare 1.17.5 in Siruppathur Village having bounded on the

North by Subbramaniya Pillai & Bhagyalakshmi's Land in

S.No. 219/3

South by Saroja's Land in S.No. 219/1

East by Selvaraj's Land in S.No. 221/1



West by Palaniyandi's Land in S.No. 209/5

Within SRO Srirangam

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
09TH 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
WEB COPY 19.07.2021

A.No.1623 of 2021

ORDER

DATED :09.07.2021

THE HON'BLE MR.JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 23/07/2021

APPROVED ON: 26/07/2021

Copy to:

The Sub Registrar,
The Sub Registrar's office,
Srirangam, Trichy.



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S/o. Ariyan,
No. 3/1, Agraharam, Kambarasampettai,
Mutharasanallur, Railway Gate,
Trichy, Tamil Nadu – 620 101.

... Respondent

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

the Respondent to furnish security for the sum of Rs.12,38,183.84/- 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 Respondent and till enforcement of the award that may be ultimately passed in the arbitration proceedings and a copy of attachment order be transmitted through the Principal District Judge, Trichy 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 has been filed to direct the respondent to furnish security for the sum of Rs.12,38,183.84 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 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 Principal District Judge, Trichy and the attachment order may be hand delivered to the applicant for transmission.

2. This Court by an Order dated 16.06.2021, had directed the

respondent to furnish security. Despite the same, the respondent has not



furnished security. Hence, the applicant seeks for an Order of attachment of the property of the respondent.

3. In view of the same, there shall be an interim Order of attachment as against the respondent. In the meanwhile, the applicant shall initiate arbitration proceedings within three months, failing which, the interim Order granted by this Court stands automatically vacated. The registry is directed to intimate the Order of attachment to the concerned Registrar.

4. With the above observation, this application is closed.

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

09/07/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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