



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 26th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A. No.1746 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.Sagar Shivaji Watane & another
Arising under Loan Agreement No.
XTRAOSM00002324567 Dated
17.03.2018.

M/s.Cholamandalam Investment and Finance Company Ltd.,
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-

1. Mr.Sagar Shivaji Watane
S/o. Shivaji Vishvambhar Watane,
Deodhanora, Tq-Kallam,
Osmanabad, Near Main Road,
Maharashtra 413507.

2. Mr.Shivaji Vishvambhar Watane
Deodhanora, Tq-Kallam,
Osmanabad, Near Main Road,
Maharashtra 413507.

: Respondents



the Respondents to furnish security for the sum of Rs.2,00,843/- 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 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 Principal District Judge, Osmanabad, 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 upon reading the order herein dated 24.06.2021 and the learned counsel for the applicant having submitted that the respondents 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.

2.That 2 copies of this order be transmitted to the Principal District Judge, Osmanabad, 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.2,00,843/- (Rupees Two lakh Eight hundred and Forty Three 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 – Devdhanora, Taluka – Kallam, District
– Osmanabad, Gat No. And Sub division No. - 14, Area – 00.40.00
Within SRO Kallam, Osmanabad, Maharashtra.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
26th DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)i/c

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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EVK
13.08.2021

A. No.1746 of 2021

ORDER

DATED : 26.07.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 16/08/2021

APPROVED ON: 16/08/2021

Copy to:

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S/o. Shivaji Vishvambhar Watane,
Deodhanora, Tq-Kallam,
Osmanabad, Near Main Road,
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: Respondents



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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.2,00,843/- 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 Principal District Judge, Osmanabad, Maharashtra and the attachment order may be hand delivered to the applicant for



2. Heard the learned counsel for the applicants.

WEB COPY

3. The case of the applicant is that the respondents herein have purchased a vehicle VST Shakti MT 270-Viraat 4W by availing loan. It is stated that the respondents have paid initial few installments and thereafter they turned out to be a defaulter. As the respondents have 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 respondents within a period of four weeks vide order dated 24.06.2021. When the matter is taken up for hearing today, learned counsel for the applicant would submit that the respondents have 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.
26.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)