

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 26TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISHKUMAR

Arb.A.No.81 of 2021

in

A. No.4285 of 2014

In the matter of Arbitration and
Conciliation Act 1996

and

In the matter of Arbitration of the
dispute between Sundaram Finance
Limited and Mr.A.M.S.Hakkim -
Loan Agreement No. H001200604
dated 18.09.2012.

Sundaram Finance Limited,
Rep. by its Deputy Manager (Legal),
Mr.Vyas Prakash,
21, Patullos Road,
Chennai - 600 002.

... Applicant

-Versus-

Mr. A.M.S.Hakkim
S/o. Mr.Abdul Majeed
No.28/3A, 2nd Floor,
Rasol Beedi Building, Melakosa Street,
Bheemanagar, Tiruchirappalli - 620 001
Tamil Nadu.

... Respondent

Arb.A.No.81 of 2021:-

Mr. A.M.S.Hakkim
S/o. Mr.Abdul Majeed
No.28/3A, 2nd Floor,
Rasol Beedi Building, Melakosa Street,

Bheemanagar, Tiruchirappalli - 620 001
Tamil Nadu.

... Applicant/Respondent

-vs-

Sundaram Finance Limited,
Rep. by its Deputy Manager (Legal),
Mr.Vyas Prakash,
21, Patullos Road,
Chennai - 600 002.

... Respondent/Applicant

Arbitration Application praying that this Hon'ble Court be pleased to consider that the applicant had raising the attachment order passed by this Honble Court in A.No.4285 of 2014 dated 12/02/2015, order to attachment of property which is more fully set out in the schedule mentioned property in vide Loan Agreement No.H001200604 dated 18/09/2012, thereunder through District Court, Trichirappalli, Therefore, the respondent herein had filed Execution Petition before the Honble Principal District and Sessions Judge, Trichirapalli in E.P.No.167 of 2019, for attachment of schedule mentioned property in the vide Loan Agreement NO.H001200604 dated 18/09/2012, Now, the applicant had settled the outstanding loan amount along with an interest sum of Rs.3,50,000/- (Rupees Three lakhs Fifty Thousand only). Therefore, the applicant had filing this Application for raising of the attachment in A.No.4285 of 2014.

This application coming on this day before this court for hearing in the presence of Mr.G.Shanmugam, Advocate for the Applicant herein, and Mr.E.Thamizharasan for M/s. T.Srinivasaraghavan and Associates,

Advocates for the respondent herein, and upon reading the judges summons and the affidavit of A.M.S.Hakkim filed in Arb.A.No.81 of 2021 and the order dated 12.02.2015 made in A.No.4285 of 2014, and the learned counsel for the applicant having submitted that the matter has been settled between the parties,

it is ordered as follows:-

That the order of attachment granted in pursuance of the order dated 12.02.2015 made in A.No.4285 of 2014, attaching the immovable property morefully set out in the schedule hereunder, be and is hereby raised.

2. That the Arb.A.No.81 of 2021 do stand closed.

SCHEDULE OF PROPERTIES

Item no.1

All that piece and parcel of land comprised in Survey no.212/4 measuring total extent of Acres 0.13 1/2 Cents or Hec. 0.05.5 Ars bearing patta no.1042 and situated in Ammapettai Village, Srirangam Taluk, Trichirapalli District.

Item no.2

All that piece and parcel of land comprised in Survey no.211/11 measuring

total extent of Acres 0.10 Cents or Hec. 0.04.0 Ars bearing patta no.1042 and situated in Ammapettai Village, Srirangam Taluk, Trichirapalli District.

Item no.3

All that piece and parcel of land comprised in Survey no.211/09 measuring total extent of Acres 0.07 Cents or Hec. 0.03.0 Ars bearing patta no.1042 and situated in Ammapettai Village, Srirangam Taluk, Trichirapalli District.

Item no.4

All that piece and parcel of land comprised in Survey no.212/5 measuring total extent of Acres 0.14 Cents or Hec. 0.05.5 Ars bearing patta no.1042 and situated in Ammapettai Village, Srirangam Taluk, Trichirapalli District.

Item no.5

All that piece and parcel of land comprised in Survey no.211/10 measuring total extent of Acres 0.07 1/2 Cents or Hec. 0.03.0 Ars bearing patta no.348 and situated in Ammapettai Village, Srirangam Taluk, Trichirapalli District.

Total extent in all the above mentioned items is Hec.0.21.0 Ars or Acre 0.52 and includes with usual easmentary rights and

Situated within the Registration District of Trichy, and within the joint I & II Sub Registration District, Trichirapalli and within the jurisdictional limits

of Union Panchayat of Manikandam and Ammapettai Village Panchayath Board.

WITNESS THE HONBLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID THIS THE
26TH 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.

SK
11.08.2021

Arb.A.No.81 of 2021
in
A. No.4285 of 2014

ORDER :-

DATED:26.07.2021

THE HON'BLE MR.JUSTICE
N.SATHISHKUMAR

FOR APPROVAL: 12.08.2021

APPROVED ON: 13.08.2021

COPY TO:-

1. The District Court,
Tiruchirapalli.
2. The Sub Registrar
The Sub Registrar Office
joint I & II
Sub Registration District,
Trichirapalli and
within the jurisdictional limits of
Union Panchayat of Manikandam
and Ammapettai Village
Panchayath Board.

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S/o. Mr.Abdul Majeed
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This application coming on this day before this court for hearing
the court made the following order:-

This Arbitration Application has been filed to raise the order of attachment, dated 12/2/2015, made in Application No.4285 of 2014, attaching the immovable property morefully described in the schedule to the Judges summons and a copy of the order raising attachment be communicated to the District Court, Tiruchirapalli.

2. Today, when the matter is taken up for hearing, Mr.G.Shanmugam, learned counsel appearing for the applicant would submit that vide, order, dated 12/2/2015, this Court was pleased to grant an order of attachment of the property described in the Judge's Summon. Thereafter, the matter has been settled between the parties. Hence the applicant itself had filed the instant Application.

3. In view of the submission made by the learned counsel appearing for the applicant, this Court is of the view that since the matter is settled between the parties, attachment order, dated 12/2/2015, is raised. Registry is directed to intimate the Order of attachment to the concerned Registrar.

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

Sd./-(N.S.K.J.,)

26.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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