

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 28th DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Arb.Appln.No.72 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
Mrs. Mili Barik & another Arising
under Loan Agreement
No.XTRAKNT00003141596 Dated
21.08.2019.

M/s.Cholamandalam Investment and
Finance Company Limited,
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.Mrs. Mili Barik,
W/o. Duryodhan Barik,
AT/PO Belpada, Balangir,
School, Patnagarh,
Odisha – 767026.

2.Mr.Duryodhan Barik,
S/o. Kacia Barik,
AT/PO Belpada, Balangir,
School, Patnagarh,
Odisha – 767026.

... Respondents

Arbitration Application praying that this Hon'ble Court be pleased to direct the Respondents to furnish security for the sum of Rs.2,98,485/- 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 and Session Judge, Balangir, Odisha 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 advocateand upon reading the order herein dated 24.08.2021 , **it is ordered as follows:-**

That the immovable properties more fully set out in the schedule hereunder be and is hereby attached.

2.That 2 copies of this order be transmitted to the District and Session Judge, Balangir, Odisha 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.2,98,485/- (Rupees Two lakhs Ninety Eight thousand Four Hundred and Eighty Five

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

Property Belonging to 2nd Respondent

Land situated in Mauza -Belpada, Tahsil – Belpada, Tahsil No.160, Police Station – Belpada, Police Station No. 61, District – Balangir, Serial No. Of Khata-476/1706,

Plot No. And Name of the Chaka	Variety of Land & Rent of the Plot	Detailed Description of Kissam of Land & Boundary	Acre	Decimal	Hector
48	Gharbari		0	140	0.0567
1 Plot			0	140	0.0567

Within SRO Tehsil-Belpada, Odisha.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
28th DAY OF SEPTEMBER 2021.

Sr/-

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.

EVK

12.10.2021

Arb.Appln.No.72 of 2021

ORDER

DATED :28.09.2021

THE HON'BLE MR. JUSTICE

V.PARTHIBAN

FOR APPROVAL: 20.10.2021

APPROVED ON : 21.10.2021

Copy to :

1. Mrs. Mili Barik,
W/o. Duryodhan Barik,
AT/PO Belpada, Balangir,
School, Patnagarh,
Odisha – 767026.
2. Mr.Duryodhan Barik,
S/o. Kacia Barik,
AT/PO Belpada, Balangir,
School, Patnagarh,
Odisha – 767026.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 28th DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Arb.Appln.No.72 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
Mrs. Mili Barik & another Arising
under Loan Agreement
No.XTRAKNT00003141596 Dated
21.08.2019.

M/s.Cholamandalam Investment and
Finance Company Limited,
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.Mrs. Mili Barik,
W/o. Duryodhan Barik,
AT/PO Belpada, Balangir,
School, Patnagarh,
Odisha – 767026.

2.Mr.Duryodhan Barik,
S/o. Kacia Barik,
AT/PO Belpada, Balangir,
School, Patnagarh,
Odisha – 767026.

... Respondents

Arbitration Application praying that this Hon'ble Court be pleased to direct the Respondents to furnish security for the sum of Rs.2,98,485/- 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 and Session Judge, Balangir, Odisha 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 is filed seeking a direction to the respondents to furnish security for the sum of Rs.2,98,485/- 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 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 and Sessions Judge, Balangir, Odisha and the attachment order may be hand delivered to the applicant for

transmission.

2.Heard the learned counsel for the applicants.

3.The case of the applicant is that the respondents herein have purchased a vehicle Tafe MF 1035 DI Tractor 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.

4.On the earlier occasion, this Court has ordered furnishing of security by the Respondents within a period of four weeks vide order dated 24.08.2021. 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.

5.No appearance on behalf of the Respondent.

6.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.
28.09.2021

//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.