

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 24TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Arb.Appln.No.77 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.Udekar
Bhaena Arising under loan
Agreement

No.XVFPBGH00002105834 Dated
20.09.2017.

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.Udekar Bhaena
S/o. Chaturbhuk Bhaena,
At-Charimunda, PO-Agalapur, PS-Barapali,
Bargarh, Near Agalapur Road,
Odisha – 768029.

... Respondent

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

Respondent to furnish security for the sum of Rs.1,24,472/- 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 the attachment order be transmitted through the District and Session Judge, Bargarh, 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 Respondent herein not appearing in person or by Advocate and upon reading the judges summons and the affidavit of S.Sivasubramanian, filed herein, **it is ordered as follows:-**

That the respondent herein, be and is hereby directed to furnish security to the tune of Rs.1,24,472/- (Rupees One lakh Twenty Four Thousand Four Hundred and Seventy Two only) within a period of four weeks from this date i.e., on or before 21.09.2021.

2. That the Arb.Appln.No.77 of 2021 be posted on 21.09.2021.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
24TH DAY OF AUGUST 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

06/09/2021

Arb.Appln.No.77 of 2021

ORDER

DATED : 24.08.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 08/09/2021

APPROVED ON: 13/09/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 24TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Arb.Appln.No.77 of 2021

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... Respondent

Application praying that this Hon'ble Court be pleased to direct the
Respondent to furnish security for the sum of Rs.1,24,472/- 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 the attachment order be transmitted through the District and Session Judge, Bargarh, 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 respondent to furnish security for the sum of Rs.1,24,472/- 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 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 District and Sessions Judge, Bargarh, Odisha and the attachment order may be hand delivered to the applicant for transmission.

2. Notice was ordered to the respondent in this application, on 27.07.2021. The respondent was served and affidavit of service has also

been filed.

3. Even though service of notice has been effected and the name of the respondent is also printed in the cause list, the respondent has not chosen to appear either in person or through counsel.

4. Therefore, the respondent is directed to furnish security to the extent of the claim made by the applicant within a period of four weeks. This application is ordered accordingly.

Sd./-V.P.N.J.

24/08/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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