

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.74 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.Murugan V. & another Arising
under Loan Agreement
No.XSHUDPI00002503657 Dated
30.07.2018.

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.Mr.Murugan V.
S/o Vengataraman,
No.5/158, Vellakal, Dokkubodanhalli,
Dharmapuri, Near Bus Stop,
Tamil Nadu – 636 807.

2.Mr.Kumar.V,
S/o Vengataraman,
No.5/122, Vellakal, Dokkubodanhalli,
Dharmapuri, Near Bus Stop,
Tamil Nadu – 636 807.

... Respondents

Arbitration Application praying that this Hon'ble Court be
pleased to direct the Respondents to furnish security for the sum of

Rs.2,42,335/- 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 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 Sub-Court, Dharmapuri 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 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 Sub-Court, Dharmapuri 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.2,42,335/-(Rupees Two lakhs Forty Two thousand Three Hundred and Thirty 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

House Site comprised in Survey No. 262/1 measuring an extent of 3052 sq.ft. (Equivalent to Acre 0.07 Cents/ 283.54 sq.mt.) out of total extent of Hectare 0.76.0 in Dokkubodanhalli Village having bounded on the

North by	East to West 12'ft Road
South by	Sanyasi's Land
East by	Veeramani;s Land
West by	Balance Land

Within SRO Dharmapuri West

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

EVK

12.10.2021

Arb.Appln.No.74 of 2021

ORDER

DATED :28.09.2021

THE HON'BLE MR. JUSTICE

V.PARTHIBAN

FOR APPROVAL: 20/10/2021

APPROVED ON: 25/10/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

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THE HON'BLE MR. JUSTICE V.PARTHIBAN

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... Respondents

Arbitration Application praying that this Hon'ble Court be
pleased to direct the Respondents to furnish security for the sum of

Rs.2,42,335/- 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 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 Sub-Court, Dharmapuri 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.2,42,335/- 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 Sub Court, Dharmapuri and the attachment order may be hand delivered to the applicant for transmission.

2.Heard the learned counsel for the applicant.

3.The case of the applicant is that the respondents herein have

purchased a vehicle Ashok Leyland Dost 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 Respondents.

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.)

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