

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY THE 29th DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Arb.Appln.No.67 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.Vijanbhai Ganpatbhai Nangha
& another Arising under Loan
Agreement

No.XVFPSNR00002749559 Dated
16.01.2019.

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.Mr.Vijanbhai Ganpatbhai Nangha,
S/o Ganpatbhai Hirabhai Nangha,
AT – Modhvana, TA – Lakhtar,
Surendra Nagar, Rabari VAS,
Gujarat – 363110.

2.Mr.Ganpatbhai Hirabhai Nangha,
S/o Hirabhai Nangha,
AT – Modhvana, TA – Lakhtar,
Surendra Nagar, Rabari VAS,
Gujarat – 363 110.

... Respondents

Arbitration Application praying that this Hon'ble Court be pleased to direct the Respondents to furnish security for the sum of Rs.2,27,282/- 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 Principal Senior Civil Court, Lakhter, Gujarat 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 24.08.2021

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 Senior Civil Court, Lakhter, Gujarat 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.2,27,282/- (Rupees Two Lakhs Twenty Seven Thousand Two Hundred and Eighty Two 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 the Property

Property belonging to the 2nd Respondent

Land situated at Village: Modhavana, Taluka: Lakhtar, District: Surendra Nagar, Account No.392, Entry of Form No.6-3326, Survey No. & its Part – 340/p1, Area (H.Are.Sq.Mt.) -0-80-94

Estimated Value Rs.5,00,000/-

Within SRO Lakhtar, Gujarat.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 29th 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.

KY
18.11.2021

Arb.Appln.No.67 of 2021

ORDER

DATED : 29.09.2021

THE HON'BLE MR.JUSTICE
V.PARTHIBAN

FOR APPROVAL: 19.11.2021

APPROVED ON: 22.11.2021

Copy to:

1. The Principal Senior Civil
Court, Lakhter,
Gujarat.
2. Mr.Vijanbhai Ganpatbhai
Nangha,
3. Mr.Ganpatbhai Hirabhai
Nangha,
AT – Modhvana, TA – Lakhtar,
Surendra Nagar, Rabari VAS,
Gujarat – 363 110.

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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 respondents to furnish security for the sum of Rs.2,27,282/- 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 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 Senior Civil Court, Lakhter, Gujarat 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 Mahindra Jeeto 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 24.08.2021. 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 insist 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./-N.S.K.J
23.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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