

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 05TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SATHISHKUMAR

Arb.A.No.99 of 2021

and

A. No.5450 of 2019

In the matter of Arbitration &
Conciliation Act, 1996

And

In the matter of Disputes between
M/s. Chola mandalam Investment
and Finance Company Ltd. and
Mrs.Venkata Lakshmi Kurra &
another Arising under Loan
Agreement

No.XVFPVYA00002207976

Dated 20.12.2017

M/s. Chola mandalam Investment
and Finance Company Limited,
'Dare House', No.2, N.S.C.Bose Road,
Parrys, Chennai 600 001.

Represented by its Authorised Signatory : Applicant/Applicant

Vs.

1. Mrs.Venkata Lakshmi Kurra
W/o.Gangadhara Rao,
No.59 A-20,No.1/14,Gurunanak Colony Road,
Visveswara Estates,Gurunanak Colony,
Krishna,Vijayawada,Beside Coffee Day,
Andhra Pradesh-520008.

2. Mr.Gangadhara Rao,
S/o.Appa Rao,
No.59 A-20,No.1/14,Gurunanak Colony Road,
Visveswara Estates,Gurunanak Colony,

Krishna,Vijayawada,Beside Coffee Day,
Andhra Pradesh-520008.

:Respondents/Respondent

Arb. No.99 of 2021:-

Arbitration Application praying that this Hon'ble Court be pleased to raise the order of attachment dated 31.07.2020 made in A.No.5450 of 2019 attaching the immovable property more fully described in the schedule to the judges summons and a copy of the order raising attachment be transmitted through the XVI Additional District Court, Nandigama and communicated to Sub Registration District of Kanchikacherla.

A. No.5450 of 2019:-

Application praying that this Hon'ble Court be pleased to direct the respondents to furnish security for a sum of Rs.27,60,952.70 within a time fixed by this court, failing which to order attachment of the immovable property more fully described in the schedule to the Judges Summons pending initiation and disposal of the 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 XVI Additional District Court, Nandigama and the attachment order may be hand delivered to the applicant for transmission.

These applications coming on this day before this court for hearing in the presence of Mr.N.Santhosh Nagarajan, Advocate for the Applicant in both applications and Mr.J.Harikrishna, Advocate for the respondent in both applications and upon reading the judges summons and the affidavit of S.Sivasubramanian, filed in Arb.A.No.99 of 2021 and the order dated 31.07.2020 made in A.No. 5450 of 2019, and the learned counsel for the applicant having submitted that the matter has been settled between the parties, hence the applicant itself had filed the instant application and this court having observed that since the matter is settled between the parties, It is ordered as follos:-

That the order of attachment granted in pursuance of the order dated 31.07.2020 made in A.No.5450 of 2019, attaching the immovable property morefully set out in the schedule hereunder, be and is hereby raised.

Schedule

Land comprised in Survey Nos.517,W-B;13-0,Plot No.28,House 13-151-1 admeasuring an extent of 505.5 Sq.yds. In Kanchikacherala ,Doddapaneni Nagar and bounded on the

North by Kurra Sateesh Plot No.28A56.6'

South by Syed Kareemulla Site Plot No.29 54.6'

East by 29' Wide Bazar 82'

West by Doddapaneni Jegan Mohan Rao &

puvvada Rathaiah Site House 82'

And situate within the Sub Registration District of Kanchikacherala

Item 2

Land comprised in Survey No.543/3 & 546/12, admeasuring an extent of 2.000A, built up area of 0.0819H.in Kanchikacherala , and bounded on the

North by : Kurra Nageshwararao

South by : Kurra Venkateswarararo

East by :Chevitikallu Road

West by : Venna Satyanarayana

And situate within the Sub Registration District of Kanchikacherala

WITNESS THE HONBLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID THIS
THE 05TH 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.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SK

09.08.2021

Arb.A.No.99 of 2021
and
A. No.5450 of 2019

ORDER :-
DATED :05.08.2021

THE HON'BLE MR.JUSTICE
N.SATHISHKUMAR

FOR APPROVAL: 09.08.2021

APPROVED ON:09.08.2021

Copy to:-

1. XVI Additional District Court,
Nandigama.

2. The Sub Registrar
The Sub Registrar Office
Kanchikacherla.

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A. No.5450 of 2019:-

Application praying that this Hon'ble Court be pleased to direct the respondents to furnish security for a sum of Rs.27,60,952.70 within a time fixed by this court, failing which to order attachment of the immovable property more fully described in the schedule to the Judges Summons pending initiation and disposal of the 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 XVI Additional District Court, Nandigama and the attachment order may be hand delivered to the applicant for transmission.

These applications coming on this day before this court for hearing the court made the following order:-

This application has been filed to raise the attachment dated 31.07.2020, made in Application No.5450 of 2019, attaching the immovable property morefully described in the schedule to the Judges summons and a copy of the order raising attachment be transmitted through the XVI Additional District Court, Nandigama and communicate to Sub Registration District of Kanchikarcherla.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the applicant would submit that vide, order, dated 31.07.2020, this Court was pleased to grant an order of attachment of the immovable property. 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 31.07.2020, is raised. Registry is directed to intimate the Order of raising attachment to the concerned Registrar.

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

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

05.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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