

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 05TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.A.No.109 of 2021

and

A. No.1721 of 2015

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of Loan Agreement
Under Contract No.HO18400073
dated 01.09.2012.

M/s.Sundaram Finance Limited,
Represented by its Senior Manager -Legal,
Regd Office, No.21, Patullos Road,
Chennai-600 002.

... Applicant

-Versus-

Mr.S.Ravi,
S/o.Mr.Subbiah,
1/13, North Kudi Iruppu Village,
Chathurveda Mangalam Post,
Paramakudi Taluk,
Ramanathapuram District,
Pin-623 705

Also at:
3/274, Moovendra Nagar 4th Street,
Paramakudi Taluk,
Ramanuthapuram District,
Pin-623 707.

..Respondent

Application praying that this Hon'ble Court be pleased to direct the respondent to furnish the security for a sum of Rs.2,86,677.16p within a time fixed by this Hon'ble Court, failing which to order Attachment Before Judgment of the immovable property described in the schedule of the Judges Summons, belonging to the respondent herein by precept through the Principal District Court, Ramanathapuram.

Arb.A.No.109 of 2021:-

M/s.Sundaram Finance Limited,
No.21, Patullos Road,
Chennai-600 002.
rep.by its Assistant General Manager (Legal)
Mr.N.Madhusudhanan

... Applicant

-Versus-

Mr.S.Ravi,
S/o.Mr.Subbiah,
No.1/13, North Kudi Iruppu Village,
Chathurveda Mangalam Post,
Paramakudi Taluk,
Ramanathapuram - 623 705.

.. Respondent

Application praying that this Hon'ble Court be pleased to raise the order of attachment of the immovable property more fully described in the schedule hereunder dated 24.02.2016 made in A.No.1721 of 2015, and communicate the order to the Sub-registrar, Joint – II, Ramanathapuram as to record the order raising the attachment in his records.

These applications coming on this day before this court for hearing in the presence of Mr.R.Umashankar for M/s. Sri and Shankar Associates, Advocates for the Applicant in both applications and the respondent herein not appearing in person or by advocate and upon reading the judges summons and the affidavit of N.Madhusudhanan, filed herein and the order herein dated 24.02.2016 made in A.No.1721 of 2015, It is ordered as follos :-

That the order of attachment granted in pursuance of the order dated 24.02.2016 made in A.No.1721 of 2015, attaching the immovable property morefully set out in the schedule hereunder, be and is hereby raised.

2. That the applicant in A.No.1721 of 2015 herein be and is hereby directed to communicate the copy of this order to the concerned Sub Registrar's office.

Schedule

All that piece and parcel of land an extent of 1749 s.ft. comprised in Survey No.258/1 Sub Division Survey No.258/1B, 258/1B1A of Suran Kottai Village, patta No.372, Ramanathapuram Taluk, Ramanathapuram Distric siutate at Plot No.130 & 131 and bounded on the

NORTH BY : 23 ft. wide common passage

SOUTH BY : Plot No.101

EAST BY : Property sold to Bharadidasan

WEST BY : property sold to Anumakkodi

Measuring

North to South on the Eastern Side : 75ft

North to South on the Western Side : 66ft

East to West on the Northern Side : 25ft

East to West on the Southern Side : 28ft

within the Registration District of Ramanathapuram and Joint II Sub Registrar Suran Kottai Group.

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

06.08.2021

Arb.A.No.109 of 2021
and
A. No.1721 of 2015

ORDER :-
DATED :05.08.2021

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 06.08.2021

APPROVED ON:06.08.2021

Copy to:-

1. Principal District Court,
Ramanathapuram.
2. The Sub Registrar
The Sub Registrar Office
Joint – II, Ramanathapuram.

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the respondent to furnish the security for a sum of Rs.2,86,677.16p within a time fixed by this Hon'ble Court, failing which to order Attachment Before Judgment of the immovable property described in the schedule of the Judges Summons, belonging to the respondent herein by precept through the Principal District Court, Ramanathapuram.

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

The learned counsel for the applicant in Arb.A.No.1721 of 2015 submits that the matter has been settled between the parties.

A.No.109 of 2021 has been filed by the respondent seeking to raise the order of attachment of the property which was granted by this Court earlier in its order dated 24.02.2016 in A.No.1721 of 2015. Since, the dispute has been settled between the parties, the application filed by the respondent in Arb.A.No.109 of 2021 has to be allowed as prayed for.

Accordingly, the Arb.A.No.109 of 2021 is allowed as prayed for and the attachment order passed by this Court in its order dated 24.02.2016 is raised.

The applicant in A.No.1721 of 2015 is directed to communicate the copy of this order to the concerned Sub Registrar's Office.

With the above observation, both the applications are disposed of.

Sd./-(A.Q.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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