

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 21ST DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Arb.Appln.No.162 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.Suryakanta Mohanty & another
Arising under loan Agreement
No.XVFPNIM00002558976 Dated
12.09.2018.

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

1.Mr. Suryakanta Mohanty
S/o. Tusar Ranjan Mohanty,
Kerandiabindhya Renghalo,
Puri, Nimapara, Near Basudeb Temple,
Odisha – 752144.

2.Mr.Tusar Ranjan Mohanty,
S/o. Dukhisyam Mohanty,
Kerandiabindhya Renghalo,

Puri, Nimapara, Near Basudeb Temple,
Odisha – 752144.

... Respondents

Application praying that this Hon'ble Court be pleased to direct the Respondent to furnish security for the sum of Rs.1,79,182/- 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 District & Sessions Judge, Puri, 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 respondents herein, be and are hereby directed to furnish security to the tune of Rs.1,79,182/- (Rupees One lakh Seventy Nine

Thousand One Hundred and Eighty Two only) within a period of six weeks from the date of receipt of a copy of this order.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 21ST 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

30/09/2021

Arb.Appln.No.162 of 2021

ORDER

DATED : 21.09.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 01/10/2021

APPROVED ON: 04/10/2021

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

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

Respondent to furnish security for the sum of Rs.1,79,182/- 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 District & Sessions Judge, Puri, 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 respondents to furnish security for the sum of Rs.1,79,182/- 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 District & Sessions Judge, Puri, Odisha and the attachment order may be hand delivered to the applicant for transmission.

2. Notice was ordered to the respondents in this application, on 19.08.2021. The respondents were served and affidavit of service has also been filed.

3. Even though service of notice has been effected and the names of the respondents are also printed in the cause list, the respondents have not chosen to appear either in person or through counsel.

4. This Court perused the materials available on record. This Court is also *prima facie* convinced with the reasons stated in the affidavit filed in support of this application.

5. Accordingly, the respondents are directed to furnish security to the extent of the claim made by the applicant within a period of six weeks from the date of receipt of a copy of this order. This application is ordered accordingly.

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

21/09/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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