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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 16TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE M.SUNDAR

Arb.Appln.No.45 of 2022

and

A.No.4823 of 2015

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Arbitration of the
dispute between Sundaram Finance
Limited and Mr.J.Senthil Devaraj-
Loan Agreement No.1023100259
dated 12.09.2013

SUNDARAM FINANCE LIMITED,
REPRESENTED BY ITS SENIOR MANAGER(LEGAL),
MR.G.S.NARAYANAKRISHNAN,
NO.12, PATTULOS ROAD,
CHENNAI-600 002

..APPLICANT

-VS-

1. J. SENTHIL DEVRAJ
1/7, SANNATHI STREET,
VELLAKOTTAI,
SRIPERUMBUDUR - 602 105
TAMIL NADU.

2. MS. B.S. JUSTINA
42/N, SIRUMALAI STREET,
TIRUPANDIYOOR,
PANNUR – 602 108,
TAMIL NADU

..RESPONDENTS



Arb Appln.No.45 of 2022:

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1. J. SENTHIL DEVRAJ
1/7, SANNATHI STREET,
VELLAKOTTAI,
SRIPERUMBUDUR - 602 105
TAMIL NADU.

..Applicant/1st Respondent

-Vs-

SUNDARAM FINANCE LIMITED,
REPRESENTED BY ITS SENIOR MANAGER(LEGAL),
MR.G.S.NARAYANAKRISHNAN,
NO.12, PATTULOS ROAD,
CHENNAI-600 002

..RESPONDENT/APPLICANT

Arbitration Application praying that this Hon'ble Court be pleased to order raise the order of attachment made in A.No.4823 of 2015 dated 23/07/2015 for the Schedule mentioned property.

This arbitration application coming on this day before this court for hearing the court made the following order:

Read this in conjunction with and in continuation of earlier proceedings made in the previous three listings on 09.02.2022, 11.02.2022 and 15.02.2022, which read as follows:

'Proceedings dated 09.02.2022

There is no representation for the applicant. With an intention to give opportunity to the applicant and the applicant's



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counsel, Registry is directed to list this matter day after tomorrow.

List on 11.02.2022.'

'Proceedings dated 11.02.2022

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 09.02.2022.

2. Position is no different today or in other words, there is no representation for the applicant today also. However, with the intention of giving opportunity to applicant and applicant's counsel, Registry to list this matter again on Tuesday in the Admission Board i.e., Motion List. List on 15.02.2022.'

'Proceedings dated 15.02.2022

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 09.02.2022 and 11.02.2022, the position is no different today. In other words, there is no representation for the applicant today also. To be noted, this is the third consecutive hearing in which there is no representation for the applicant. Therefore, Registry to list the captioned matter in the Admission Board under the cause list caption 'FOR DISMISSAL' on 16.02.2022.'

2. The aforesaid proceedings are telltale. In other words, it is clear from the aforementioned proceedings that there has been no representation for the applicant in the four consecutive / successive listings. To be noted, pursuant to the earlier proceedings made in the previous listing on 15.02.2022, today the captioned matter is listed (fourth listing has been



cause list caption, there is no representation for the applicant today.

Therefore, it is clear that the applicant has not come forward to pursue the captioned application in spite of adequate and ample opportunities being given.

Therefore, captioned application is dismissed for default/non-prosecution. There shall be no order as to costs.

Sd/.M.S.J.
16.02.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/28.02.2022

COURT OFFICER(O.S.)

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