



Arb.Appln No.135 of 2022 in
A.No.8307 of 2018

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M.SUNDAR.J.,

Lone applicant in captioned application is a 'Non-Banking Finance Company' [NBFC]. The two respondents in the captioned application shall be collectively referred to as 'borrowers' for the sake of convenience and clarity.

2. NBFC came up with aforementioned 'A.No.8307 of 2018' ['ABJ application' for the sake of convenience] in and by orders dated 13.06.2019 and 11.07.2019 made by Hon'ble predecessor Judge an ABJ order came to be made for two items of immovable properties {hereinafter collectively 'said property' for the sake of convenience} which have been described in the Judge's summons to the captioned application in the following manner:

'Item 1

2/3rd share in Land comprised in Survey Nos.164/5, 164/6 and 164/7 admeasuring an extent 28 cents situated within 28 Cents out of Hectare 0.11.5 in Survey No.164/5, 22 Cents in Hectare 0.09.0 in Survey No.164/6 and 84 Cents in Hectare 0.34.0 in Survey No.164/7 in Pitchaithalaivan Patti Village



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And situate within the Sub-Registration District of

'Item 2

*2/3rd share in Land comprised in Survey No.165/2
admeasuring an extent 65 Cents situated within Hectare 0.26.5
situated above in Hectare 1.07.0 in Survey No.165/2 in
Pitchaithalaivan Patti Village hounded on the*

North by Pond

South by Gnanapraksam & Others Punjei

East by Schedule 2 Property

West by Schedule 1 Item 3 Property

*And situate within the Sub Registration District of
Kovilpatti*

Estimate value of the property is about Rs.1,00,000/-.'

3. To be noted, ABJ application is a pre-arbitration application purportedly under Section 9 of 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)' [hereinafter 'A and C Act' for the sake of brevity]. This Court is informed that the arbitration never happened which casts a cloud on 'manifest intention to arbitrate' facet of a pre-arbitration Section 9 application. However, it is not necessary to dilate on this aspect of the mater in this order as learned counsel for NBFC Mr.N.Santhosh Nagarajan



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submits that the matter has since been settled as between the NBFC and the borrowers owing to which captioned application has been taken out with a prayer for raising attachment qua said property.

4. This Court issued notice to respondents, there is difficulty in serving the respondents but a careful perusal of the trajectory and the prayer brings to light that acceding to the prayer of NBFC in the captioned application would only enure to the benefit of the respondents. Therefore, this Court deems it appropriate to accede to the prayer in the captioned application with a further directive to the Registry to communicate this order to the jurisdictional Registration Office i.e., Office of Sub-Registration District of Kovilpatti. On such communication, jurisdictional Registrar shall make / delete necessary entries in the books of the Registration Office so that the charge is not reflected in any Encumbrance Certificate with effect from this day.

Captioned application ordered on above terms. There shall be no order as to costs.

17.08.2022

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