



Arb.Appln No.134 of 2022
in A.No.3041 of 2019

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M.SUNDAR.J.,

Captioned application has been filed with a prayer to raise an order of attachment dated 30.08.2019 made in aforementioned 'A.No.3041 of 2019' [hereinafter 'ABJ Application' for the sake of convenience and clarity].

2. Lone applicant in the captioned application [Cholamandalam Investment and Finance Company Limited] shall hereinafter be referred to as 'Finance Company' for the sake of convenience, clarity, two respondents in the captioned application shall collectively be referred to as 'borrowers' for the sake of convenience and clarity. Finance Company alleging default in repayment qua a loan agreement dated 16.03.2013, moved the ABJ application, notice to furnish security was ordered by Hon'ble predecessor Judge on 30.04.2019, thereafter security was not furnished resulting in attachment made by another Hon'ble predecessor Judge vide order dated 30.08.2019. To be noted, the subject matter of ABJ application is half share in immovable property admeasuring 3.14 acres or thereabouts situate in



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Pachaikulam Village in Virudhunagar District. The description of the immovable property as can be culled out from the Judge's summons in the ABJ application is as follows:

'Half share in land comprised in Survey No.2/2 admeasuring an extent of 3 Acre 14 Cents equivalent to Hectare 1.27.0 as per Old Patta No.28, New Patta no.30 in Pachaikulam Village

And situate within the Sub Registration District of Joint I Virudhunagar. Total Estimate value of the property is about Rs.5,00,000/-.'

Aforementioned immovable property shall hereinafter be referred to as 'said property' for the sake of convenience and clarity.

3. The Finance Company has now come up with the captioned application with a prayer for raising the aforementioned attachment (as already alluded to supra) on the ground that the matter has since been settled as between the Finance Company and the borrowers, which has been articulated in paragraph 4 of the support affidavit.

4. This Court issued notice to the respondents (borrowers) in the captioned application, the respondents have been duly served and names of



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respondents are shown in the cause list. Names of both respondents called out aloud thrice in the Court and adjoining corridors. No response. This Court is informed that the respondents have not chosen to enter appearance through any counsel.

5. Be that as it may, a perusal of the trajectory the captioned matter has taken thus far and the prayer make it clear that acceding to the prayer would only enure to the benefit of the respondents. In this view of the matter, captioned application is ordered as prayed for with a further directive to the Registry to communicate this order to the jurisdictional Registration Office i.e., Office of Sub-Registration District, Joint Registrar I, Virudhunagar. On such communication, jurisdictional Registrar shall make / delete necessary entries in the books/records 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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