

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY THE 03RD DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.Appln No. 366 of 2021

and

A. No. 3040 of 2019

A.No. 3040 of 2019 :-

In the matter of Arbitration &
Conciliation Act, 1996

And

In the matter of Disputes between
M/s. Cholamandalam Investment
and Finance Company Ltd., and
Mrs.Parameswari G Arising under
Loan Agreement No.
XSHUSSV00002458921 Dated
30.07.2016.

M/s. Cholamandalam Investment
and Finance Company Limited,
'Dare House', No.2, N.S.C.Bose Road,
Parrys, Chennai - 600 001.
Represented by its Authorised Signatory

... Applicant

-Vs-

Mrs.Parameswari G.
W/o. Ganesan,
No.4/688-1D, Kattanancheval, Thayilpatti,
Sivakasi, Virudhunagar, Near Water Tank,
Tamil Nadu - 626 128.

... Respondent

Application praying that this Hon'ble Court be pleased to direct the
respondent to furnish security for the sum of Rs.5,24,434/- within a time
fixed by this Hon'ble Court failing which to order attachment of the

immovable properties more fully described in the schedule to the judges summons pending disposal of the arbitration proceedings between the applicant and the respondent 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 Court, Virudhunagar, and the attachment order may be hand delivered to the applicant for transmission.

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... Respondent

Arbitration Application praying that this Hon'ble Court be pleased to raise the order of attachment dated 20.03.2020 made in Application No.3040 of 2019 attaching the immovable property morefully described in the schedule to the judges summons and a copy of the order raising attachment be transmitted through the District Court, Virudhunagar and communicated to Sub Registration District of Sivakasi.

This application alongwith Arbitration Application coming on this day before this court for hearing in the presence of Mr.N.Santhosh Nagarajan, Advocate for the Applicant in both applications, and upon reading the Judges Summons and affidavit of S.Sivasubramanian, filed in Arb.Appln.No.366 of 2021 and the order dated 20/03/2020 made in A.No. 3040 of 2019 **it is ordered as follows :-**

That the order of attachment granted in pursuance of the order dated 20.03.2020 made in A.No.3040 of 2019 attaching the properties morefully setout in the schedule hereunder, be and are hereby raised.

SCHEDULE OF PROPERTY

House site comprised in Survey No.247/7 & 248/8 admeasuring an extent of 1512 sq.ft. equalent to 140.47 sq.mt. in Plot No.13 out of total extent measuring Hectare 0.35.0 equalent to 86 cents in Survey No.248/8 and measuring Hectare 0.20.0 equalent to 49 cents in Survey No.247/7 in Thayalupatti village and bounded on the

North by Plot No.14

South by Plot No.12

East by Land in Survey No.248/9

West by 20' ft. wide South to North Public Road

and having a linear measurement as on site of

East to West on the Northern side : 36' ft.

East to West on the Southern side : 36' ft.

North to South on the Eastern side : 42' ft.

North to South on the Western side : 42' ft.

and situate within the Sub Registration District of Sivakasi.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH
BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 03RD DAY OF JANUARY 2022.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies
of the Orders/Judgments/Decrees in this format.

ED
06.01.2022

Arb.Appln.No. 366 of 2021
and
A.No. 3040 of 2019

ORDER

DATED : 03/01/2022

THE HON'BLE MR. JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL : 06/01/2022

APPROVED ON : 07/01/2022

Copy to:

1. The Sub Registrar,
Sub-Registrar's Office,
Sivakasi, Virudhunagar.
2. The District Court,
Virudhunagar.

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This Arbitration Application along with the Application coming on this day before this court for hearing, **the court made the following order:-**

This application is filed to raise the order of attachment dated 20.03.2020 made in A.No.3040 of 2019 attaching the immovable property described in the Schedule to the Judges Summons.

2. This application has been filed by the Financial Institution. According to the applicant, the respondent has settled the dues subsequent to the order of attachment passed by this Court on 20.03.2020 in A.No.3040 of 2019. Therefore, they are seeking for raising the order of attachment passed by this Court on 20.03.2020.

3. The averments contained in the affidavit, filed in support of the petition, is recorded.

4. Accordingly, the attachment order passed by this Court on 20.03.2020 in A.No.3040 of 2019 is raised and this application is allowed.

5. Registry is directed to communicate the order copy to the concerned Sub Registrar's Office, where the subject property is located.

Sd./- A.Q.J.,
03.01.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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