



Arb.Appln.No.499 of 2023

Arb.Appln.No.499 of 2023

WEB CO **C.SARAVANAN, J.**

Despite notice being served on the respondents, there is no representation on behalf of the respondents.

2.The application has been filed by the applicant for the following reliefs:

“to direct the respondents to furnish security for the Agreement value a sum of Rs.1076060/- being the Claim of the Applicant at present arising under the Loan Agreement No.ATV00276L dated 31.10.2022 against the respondent, within such time as this Court may stipulate and in case of default to order Attachment before Judgment of the immovable property of the first and second respondent more fully described in the Schedule to the Judge's summons and the copy of the order to be sent to the Principal District Judge, Vizianagaram.”

3.By an order dated 21.09.2023, this Court had directed the respondents to furnish security to the extent of total claim amount in the application on or before 16.10.2023, failing which, Court will be constrained to order attachment of the properties described in the schedule.



Arb.Appln.No.499 of 2023

WEB COPY

4.Despite service of notice and order of this Court, the respondents have not come forward to furnish security as was ordered by this Court vide its order dated 21.09.2023.

5.Under these circumstances, Court is inclined to allow this application by ordering attachment of the immovable property for a period of six months from today pending initiation of arbitration proceedings to resolve the *inter se* dispute between the petitioner and the respondent herein. This order of attachment shall be in force only for a period of six months from today.

6.It is open for the applicant to initiate the arbitration proceedings within such time before the Arbitrator in terms of the loan agreement dated 31.10.2022 and file an appropriate application for continuation of this order under Section 17 of the Arbitration and Conciliation Act, 1996 pending final award. In case, the applicant fails to invoke the arbitration Clause or fails to move appropriate application under Section 17, for interim protection, this order shall automatically stand vacated at



Arb.Appln.No.499 of 2023

the expiry of six months from today. Copy of this order shall be transmitted to the Principal District Judge, Vizianagaram, for being duly intimated to the concerned SRO to make suitable endorsement in the records.

### **SCHEDULE OF PROPERTY**

#### **1.Property of first respondent:**

Viziayanagaram division, Nellimarla Sub District, Gurla Mandalam, Gurla gram panchayat, Gurla Village, as per revenue accounts, account No.294 girayat, dry site is

Item 1. Survey No.168-15 Ac.0.13 ½ cents i.e.653.4 sq.yards

Item 2. Survey No.167-23 Ac.0.026 cents i.e. 1258.4 sq.yards

Bounded on follows:

East:Rasta (Passage)

South:Datta Estates Property

West:Datta Estates Property

North:Gedda

Value of Property:Rs.22,95,000/- approx.

#### **2.Property of first respondent:**

Viziayanagaram District, Vijayanagaram Joint SRO Vijayanagaram Municipality, Vijayanagaram Town, Kothapet Southward.MC Ward



Arb.Appln.No.499 of 2023

No.15, Badri Chavadi. Present Survey No.1139 part, 1140 and 1141/2.  
Door No.15-11-6, Old Assessment No.20148, and Assessment  
No.109302097, Current Service No.2137 Admeasuring 510 sq.yards or  
428.40 sq.mts property constructed by name KONDAPALLI PLAZZA,  
unspecified undivided share 300 sq.yards site in which undivided and  
unspecified 7 sq.yards along with ground floor shop no.B-154 sq ft  
extent RCC Shop room

bounded as

East: Site of executant

South:Shop No.A

West:for this property and to Rajapantulu tiles house shed, joint  
wall

North:Watch man room

Market Value of Property:Rs.2,08,000/- approx.

30.10.2023

jas



WEB COPY



Arb.Appln.No.499 of 2023

**C.SARAVANAN, J.**

jas

Arb.Appln.No.499 of 2023

30.10.2023