



Arb.Appln.No.207 of 2022

WEB CO **KRISHNAN RAMASAMY, J.,**

This application has been filed by the applicant seeking to direct the respondent to furnish security for a sum of Rs.5,61,592.20/- within a time fixed by this Court failing which to order attachment of the immovable properties morefully described in the schedule to the judges summons pending initiation and disposal of 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 and Session Judge, Bargarh, Odisha and the attachment order may be hand delivered to the applicant for transmission.

2.When the matter came up for hearing on 19.01.2023, this Court passed the following orders:

“This application has been filed to direct the respondent to furnish security for a sum of



Rs.5,61,592.20/- within a time fixed by this Court failing which to order attachment of the immovable properties morefully described in the schedule to the judges summons pending initiation and disposal of 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 and Session Judge, Bargarh, Odisha and the attachment order may be hand delivered to the applicant for transmission.

2.The learned counsel for the applicant has submitted that the respondent has borrowed a sum of Rs.8,40,000/- from the applicant vide loan agreement dated 21.12.2018. By virtue of loan agreement, the respondent has to repay the said amount in 71 monthly instalments. However, the applicant has submitted that the respondent has paid 36.1 instalments and he has not paid 2.9 instalments. Since the respondent has committed default, the applicant has foreclosed the loan. Therefore, the respondent is liable to pay the balance amount for a sum of Rs.5,61,592/- as on 11.10.2022. The learned counsel further submitted that he has issued demand notice on 08.08.2022 stating that they have foreclosed the loan and called upon the respondent to pay the entire amount, After receipt of notice, the respondent neither settled the



dues, nor handed over the vehicle. Under these circumstances, the present application has been filed.

3.After filing the present application, this Court has ordered notice. Despite service of notice and name of the respondent has been printed in the cause list, none appeared for the respondent. It shows that the respondent is not interested to contest the matter.

4.Upon hearing the learned counsel for the applicant and on a perusal of the documents, this Court finds that the petitioner has made out a case and thereby, the respondent is liable to pay a sum of Rs.5,61,592/- subsequent to the foreclosure of the loan.

5.Accordingly, the respondent is directed to furnish security to the extent of the claim made in the application, being an amount of Rs.5,61,592/- on or before 24.02.2023, failing which, this Court will be constrained to consider passing an order of attachment. The applicant is permitted to communicate this order to the respondent after receipt of the same.

3.Learned counsel appearing for the applicant would submit that the



above order passed by this Court on 19.01.2023 was communicated to the respondent. Even after the receipt of the said order, the respondent has not come forward to furnish the security till date.

4. Though notice has been served against the respondent and the name of the respondent is printed in the causelists, none appeared on behalf of the respondent either in person or through counsel.

5. In view of the above fact that even after the receipt of the order dated 19.01.2023, the respondent has failed to furnish the security, this Court is inclined to order attachment of immovable properties described in the schedule to the judges summons.

6. Accordingly, this Application is allowed.

20.03.2023

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