



WEB COPY



Arb Appln NO. 579 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **24-06-2025**
CORAM
THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

Arb Appln No. 579 of 2025

M/s Sundaram Finance Limited Represented by its
Manager Legal
No. 21, Patullos Road,
Chennai

...Appellant

Vs

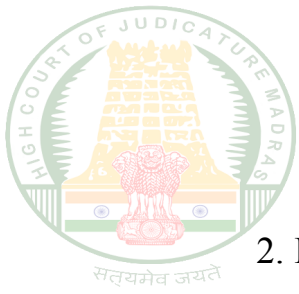
1. A Abdulkhader
2. Ms. A. Fairojabegum

..Respondents

For Appellant: Mr.D.Pradeep Kumar
For Respondent(s):

ORDER

As directed by this Court on 28.04.2025, the applicant has effected substituted service on the respondents by effecting paper publication. The paper publication has been filed along with the affidavit of service. The names of the respondents are also printed in the cause list today.



Arb Appln NO. 579 of 2025

2. Despite the same, the respondents have chosen not to enter appearance in this application, hence they are being set exparte by this Court.

3. This Application has been filed seeking to raise the order of attachment dated 06.08.2019, passed by the Arbitral Tribunal in I.A.No. 25 of 2018 in Arbitration Case No.SSM/SF/142/2017. There became a necessity for the applicant to file this application before this Court, since the mandate of the arbitrator has come to an end after the passing of the arbitral award. Earlier, the applicant had obtained the order of attachment dated 06.08.2019 passed by the Arbitral Tribunal in I.A.No. 25 of 2018 as referred to supra.

4. As seen from the affidavit filed in support of this application, the property attached was also the subject matter of the property mortgaged with IDBI Bank. The secured creditor namely IDBI Bank, on account of default committed by the respondents, brought the property for sale and sold the property to the auction purchaser and realised their dues, leaving a balance of Rs.1,07,492.10 in surplus. The said surplus amount was also paid to the applicant. As per the understanding reached between the applicant and IDBI Bank, the applicant has agreed to move an application before this Court to raise the order of attachment on receipt of sum of Rs.1,07,492.10 from IDBI Bank.



Arb Appln NO. 579 of 2025

WEB COPY

5. In accordance with the said undertaking, this application has been filed. However, the applicant categorically states that, still some more amount is due and liable to be paid by the respondents to the applicant as per the arbitral award. Since the applicant has agreed to raise the order of attachment, this application has to be allowed as prayed for, since the property has already been sold by IDBI Bank to the auction purchaser.

6. Accordingly, this application is allowed as prayed for by raising the order of attachment dated 06.08.2019 passed in I.A.No. 25 of 2018 in Arbitration Case No. SSM/SR/142/2017 on the file of arbitral tribunal. No costs.

7. The applicant is permitted to intimate this order to the registration authorities and other statutory authorities to enable them to remove the encumbrance from their respective records.

24-06-2025

ak



WEB COPY



Arb Appln NO. 579 of 2025

ABDUL QUDDHOSE, J.

ak

Arb. Application No. 579 of 2025

24.06.2025