

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 693 of 2025

1. M/s Kotak Mahindra Prime Ltd
6th floor, Samson towers, A wing
402 L, Pantheon road, Egmore
600 008
Represented by its Authorised
Signatory,
Mr.Santhosh Kumar (Deputy
Manager)

Appellant(s)

Vs

1. Anitha S
No.20, Natchathra Garden,
Maniyakarampalayam,
Ganapathy, Coimbatore 641 006,
Tamil Nadu, India.

2.Sathish Kumar P
No.20, Natchatra Garden,
Maniyakarampalayam,
Ganapathy
Coimbatore – 641 006
Tamil Nadu - India

Respondent(s)

PRAYER



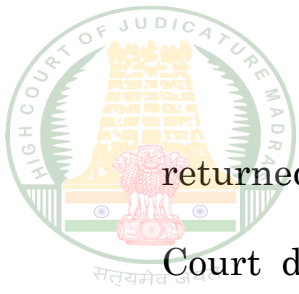
To pass an order directing the Respondents to furnish security for a sum of Rs.12,63,524.78/- being the claim of the Applicant arising under the Agreement dated 31/01/2023 against the Respondents, within such time as this Honble Court may stipulate and in case of default thereof to order attachment before Judgement of the immovable property of the 1st Respondent morefully described in the schedule to the Judges Summons and the copy of the order to be send to the Honble District Court, Coimbatore.

For Appellant(s): M/S.Rajeni Ramadass
For Batta Not Filed Dt.
Respondent(s): 16/06/2025
Hence, The Respondents Are
Set Ex-parte By This Court
Dt. 23/07/2025

ORDER

This application has been filed under Section 9 of the Arbitration and conciliation Act, 1996 for a direction to the respondents to furnish security for a sum of Rs.12,63,524.78/- being the claim of the applicant arising under the Agreement dated 29.07.2022 against the respondents and in addition, to order attachment before judgement of the immovable property described in the schedule to the application.

2. The notice that were sent to the respondents were



returned with an endorsement “left”. Considering the same, this

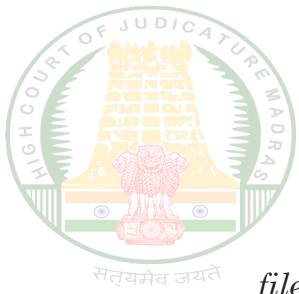
Court directed the learned counsel for the applicant to take the substituted service on the respondents by effecting paper publication.

This order was also complied with and the respondents were set exparte on 23.07.2025 and the following order came to be passed by this Court :-

As directed by this Court on 18.06.2025, the applicant has effected substituted service on the respondents by effecting paper publication. The copy of the paper publication along with the affidavit of service has been filed. Despite the names of the respondents being printed in the cause~list today, no one has entered appearance on behalf of the respondents. Hence, the respondents are set exparte by this Court.

2. This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking for a direction to the respondents to furnish security to the extent of the claim amount of Rs.12,63,524.78 within the time frame to be fixed by this Court, failing which an order of attachment of the property of the first respondent morefully described in the schedule to the judges summons.

3. The respondents are defaulters in the repayment of the loan to the applicant. The respondents have entered into an agreement dated 29.07.2022 with the applicant and they have committed default in the repayment of the loan to the applicant under the said agreement. The account statement dated 26.03.2025 has been filed by the applicant, which confirms that a sum of Rs.12,63,524.78 is due and payable by the respondents as on 26.03.2025. The applicant has expressed its willingness to go for arbitration in accordance with the arbitration clause.



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4. *The applicant has also made an averment in the affidavit filed in support of this application that the respondents are trying to alienate / encumber their assets to deprive the payment of the legitimate dues of their creditors, which includes the applicant. The applicant also claims that the respondents are indebted to various other creditors and only under those circumstances, they claim that they have been constrained to file this application seeking to secure their interest.*

5. *This Court after giving due consideration to the averments contained in the affidavit filed in support of this application, is of the considered view that adequate averments have been made, which are supported by documents for the grant of interim relief as prayed for in this application for the purpose of this Court directing the respondents to furnish security to the extent of the claim amount of Rs.12,63,524.78, failing which order attachment of the property morefully described in the schedule to the judges summons shall be made. Encumbrance certificate has also been filed by the applicant to prove that the said property is owned by the first respondent.*

6. *Since the respondents are defaulters in the repayment of the loan to the applicant and since the applicant has satisfied this Court that they are entitled for the relief sought for in this application, this Court for the present is directing the respondents to furnish security to the extent of the claim amount of Rs.12,63,524.78 within a period of six weeks from the date of receipt of a copy of this order, failing which this Court would be constrained to pass consequential order of attachment as prayed for in this application. The applicant is directed to send a copy of this order to the respondents to enable them to comply with the directions issued by this Court today. Accordingly, this application is ordered.*



7. Post -for reporting compliance- on 20.08.2025.

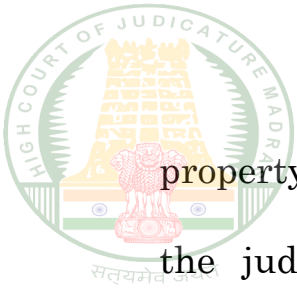
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3. Pursuant to the above order, this Court had directed the learned counsel for the applicant to send a copy of this order to the respondents to enable them to comply with the directions issued by this Court.

4. In obedience to the above order, the learned counsel for the applicant had again issued notice to the respondents and the same has once again been returned with an endorsement “left”.

5. In the considered view of this Court, the respondents have already been set-exparte after the service of notice has been effected through paper publication. Therefore, there is no requirement to once again take notice on the respondents.

6. In spite of the directions issued by this Court on 23.07.2025, directing the respondents to furnish security for the claim amount, the respondents have not chosen to furnish security and have also not chosen to contest this application. Hence, there shall be an order of attachment before judgement of the immovable



property of the 1st respondent morefully described in the schedule to the judges summons. This order shall be acted upon and the concerned Sub Registrar Office shall make the necessary entry in the encumbrance certificate.

6. This application is disposed of in the above terms. No costs.

16-09-2025

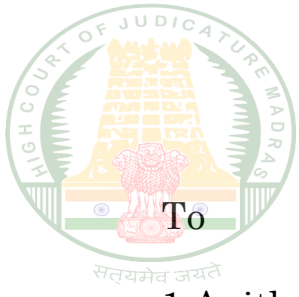
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

1. Anitha S
No.20, Matchathra Garden,
Maniyakarampalayam,
Ganapathy, Coimbatore 641 006,
Tamil Nadu, India.

2. Sathish Kumar
No.20, Natchatra Garden,
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Tamil Nadu - India



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N.ANAND VENKATESH J.
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