



Arb. Appln. No.961 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Arb. Appln. No.961 of 2025

M/s.Five Star Business Finance Ltd.
New No.27, Old No.4, Taylor's Road
Kilpauk, Chennai 600 010
Rep. by its Authorised Signatory Mr.Bharath RS
Regional Legal Manager (Emp No.21446)

.. Applicant

Vs.

1.Vanitha Ponnusamy
2.Arulveni Ponnusamy
3.Durgadevi Ponnusamy
4.Annapoornima S
5.Sivamurugan M

.. Respondents

Application filed under Order XIV Rule 8 of O.S.Rules read with Section 9(2)b & e of the Arbitration and Conciliation Act, 1996, to furnish security to the satisfaction of an amount of Rs.5,02,534.06 failing which order for attachment of immovable property of the 1st respondent more fully described in the schedule to the Judges summons pending initiation and disposal of the arbitration proceedings between the applicant and the respondents and till enforcement of the award that may be ultimately passed in the arbitration proceedings and a copy of the attachment order to be transmitted through the District Court, Dindigul and the attachment order may be hand delivered to the applicant for transmission.



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Arb. Appln. No.961 of 2025

For Applicant : Mr.M.Karthikeyan
for Mr.A.Damodaran

For Respondents : No appearance

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for brevity, hereinafter referred to as “the Act”), for a direction to the respondents to furnish security for an amount of Rs.5,02,534.06, failing which, to attach the immovable property more fully described in the schedule to the Judges summons.

2. When the matter was taken up for hearing on 14.08.2025, this Court passed the following order :

“Notice sent to the respondents have been duly served. The acknowledgement cards have been filed along with the affidavit of service. Though, the names of the respondents are also printed in the cause list today, the respondents remain unrepresented. Hence the respondents are set *ex parte* by this Court.

2. This Application has been filed under Section 9 of the Arbitration and Conciliation Act, seeking for a direction to the respondents, to furnish security to the extent of the claim amount i.e., Rs.5,02,534.06/-, failing which order for the attachment of the property owned by the first respondent and more fully described in the schedule to the judges summons. The applicant has lent money to the respondents and the respondents are defaulters in the repayment of the loan. In support of this application, documents have been filed in the form of:

- a) Loan agreement dated 29.07.2024
- b) Loan recall notice dated 01.07.2025
- c) Statement of Accounts dated 25.06.2025
- d) Encumbrance certificate.

3. As seen from the aforementioned documents, more particularly the Statement of Account, a sum of Rs.5,02,534.06/- is due and



Arb. Appln. No.961 of 2025

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payable by the respondents to the applicant. Adequate averments have been made in the affidavit filed in support of this application for seeking an order to direct the respondents to furnish security as prayed for in this application.

4. Since the respondents are set *ex parte* in this application, the averments contained in the affidavit filed in support of this application has to be believed by this Court.

5. Accordingly, this Court directs the respondents to furnish security for a sum of Rs.5,02,534.06/- on or before 26.09.2025, failing which this Court will be constrained to pass the consequential order of attachment of the property owned by the first respondent.

6. Post the matter for reporting compliance on 26.09.2025.”

3. Pursuant to the above order, notice was issued to the respondents and the names of the respondents are also printed in the cause list. There is no appearance either in person or through counsel.

4. Taking into consideration the facts and circumstances of the case and the materials placed before this Court and considering the earlier order passed by this Court on 14.08.2025 which has not been complied with, there shall be an order of attachment as sought for. The present order shall be communicated to the Sub Registrar Office concerned, in order to make the necessary entry in the Encumbrance Certificate.

This application is disposed of in the above terms.

15.10.2025

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N. ANAND VENKATESH, J.

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Arb. Appln. No.961 of 2025

Arb. Appln. No.961 of 2025

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