



Arbitration Application Nos.1049, 1050, 1051 & 1053 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application Nos.1049, 1050, 1051 & 1053 of 2025

M/s.Cholamandalam Investment and Finance Company Limited,
'Chola Crest', C 54 & 55, Super B-4,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

Represented by its
Authorised Signatory.

.... Applicant in all applications

Vs.

Mr.Yamani Ramakoteswararao,
S/o.Narasimha Rao

.... Respondent in all applications

PRAYER

Arb Appln No. 1049 of 2025

To direct the respondent to furnish security for the sum of Rs.19,57,590.27 within a time fixed by this Hon'ble Court failing which to order attachment of the immovable properties morefully described in the schedule to the Judges Summons pending initiation & 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 Principal District & Sessions Judge Court at Gundur, District Court



Arbitration Application Nos.1049, 1050, 1051 & 1053 of 2025

Complex, Guntur District, Andhra Pradesh - 522 004 and the attachment order may be hand delivered to the applicant for transmission.

Arb Appln No. 1050 of 2025

To direct the respondent to furnish security for the sum of Rs.19,58,994.27 within a time fixed by this Hon'ble Court failing which to order attachment of the immovable properties morefully described in the schedule to the Judges Summons pending initiation & 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 Principal District & Sessions Judge Court at Gundur, District Court Complex, Guntur District, Andhra Pradesh - 522 004 and the attachment order may be hand delivered to the applicant for transmission.

Arb Appln No.1051 of 2025

To direct the respondent to furnish security for the sum of Rs.19,51,667.27 within a time fixed by this Hon'ble Court failing which to order attachment of the immovable properties morefully described in the schedule to the Judges Summons pending initiation & 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 Principal District & Sessions Judge Court at Gundur, District Court Complex, Guntur District, Andhra Pradesh - 522 004 and the attachment order may be hand delivered to the applicant for transmission.



WEB COPY

Arb Appln No.1053 of 2025

To direct the respondent to furnish security for the sum of Rs.19,58,994.27 within a time fixed by this Hon'ble Court failing which to order attachment of the immovable properties morefully described in the schedule to the Judges Summons pending initiation & 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 Principal District & Sessions Judge Court at Gundur, District Court Complex, Guntur District, Andhra Pradesh - 522 004 and the attachment order may be hand delivered to the applicant for transmission.

For Applicant : Mr.D.Pradeep Kumar
[in all applns.]

For Respondent : No appearance
[in all applns.]

COMMON ORDER

These applications have been filed against the common respondent in all the applications for a direction to the respondent to furnish security for the sum due and payable to the applicant in each application, failing which, for attachment of the immovable property described in the schedule(which is common in all the four applications).



Arbitration Application Nos.1049, 1050, 1051 & 1053 of 2025

2. The case of the applicant is that the respondent approached the applicant for a financial facility for purchase of vehicle. Accordingly, a loan agreement dated 24.09.2021 was entered into for a sum of Rs.47,58,869/-.

3. This amount was repayable in 60 monthly installments starting from 25.10.2021 and ends with 25.09.2026. The respondent was liable to pay the additional financial charges in the event of delay/default in payment of any of the installments.

4. The specific case of the applicant is that after the payment of initial few installments, the respondent was irregular in making the payment and turned out to be a chronic and wilful defaulter. Repeated requests made by the applicant to pay the outstanding amount did not yield any result. Thus, the respondent is due and payable the following amounts:

<i>S.No.</i>	<i>Arb.Appln.Nos.</i>	<i>sum due and payable</i>
1	Arb.Appln.No.1049 of 2025	Rs.19,57,590.27
2	Arb.Appln.No.1050 of 2025	Rs.19,58,994.27
3	Arb.Appln.No.1051 of 2025	Rs.19,51,667.27
4	Arb.Appln.No.1053 of 2025	Rs.19,58,994.27



WEB COPY

5. The applicant was in the process of initiating arbitration proceedings pursuant to the specific arbitration clause contained in the agreement. In the meantime, the applicant was attempting to get hold of the vehicle, but however it was secreted by the respondent and the applicant was not able to trace the vehicles. It is under these circumstances, these applications have been filed before this Court for a direction to the respondent to furnish security within the time fixed by this Court, failing which, the applicant has sought for attachment of an immovable property described in the schedule(which is common in all the four applications).

6. The respondent has been served with notice and proof of service has also been filed and the name of the respondent has been printed in the cause list. There is no appearance either in person or through a counsel.

7. This Court heard the learned counsel for the applicant in each application and perused the materials available on record.



WEB COPY

8. The materials placed before this Court clearly establishes the fact that the respondent has availed the loan facility and has subsequently defaulted in payment of instalments and virtually stopped paying any amount. Hence, the respondent is due and payable against each of the loan agreements.

9. The applicant has taken steps to trace the vehicles, for which the financial facility was extended and the vehicles remained untraced.

10. Considering the conduct of the respondent and also considering the fact that the respondent belongs to a different State viz., Andhra Pradesh, obviously the respondent is trying to evade the payment of money and hence, the interest of the applicant has to be secured. Considering the fact that the respondent has not even chosen to come before this Court, no useful purpose will be served in ordering the respondent to furnish security. Hence, this Court is inclined to order attachment before judgment, the schedule property to ensure that there is some security available for the applicant to proceed against the respondent to recover the amount. It goes without saying that the



WEB COM

applicant will strictly comply with Section 9(2) of the Arbitration and Conciliation Act, 1996 [for brevity, hereinafter referred to as 'the Act'] insofar as commencing the arbitral proceedings.

11. In the light of the above discussions, there shall be an attachment before judgment of the immovable property morefully described in the judges summons pending the initiation and disposal of the arbitral proceedings between the applicant and the respondent. If ultimately, the respondent appear before learned Arbitrator to seek for any modification by way of furnishing any security, it is left open to the arbitrator to exercise the power under Section 17 of the Act and pass appropriate orders on its own merits and in accordance with law.

12. Registry is directed to transmit this order to the Principal District & Sessions Judge Court at Gundur, District Court Complex, Andhra Pradesh and also communicate this order to the concerned SRO to enable necessary entries to be made in the book maintained by the SRO.



WEB COPY



Arbitration Application Nos.1049, 1050, 1051 & 1053 of 2025

N.ANAND VENKATESH, J.

mp

13. In the result, all these applications are allowed in the above terms.

08.09.2025

Neutral Citation: Yes/No
speaking order/non-speaking order

mp

Arbitration Application Nos.1049, 1050, 1051 & 1053 of 2025