



O.A.No.789 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

O.A.No.789 of 2025

M/s.HDB Financial Services Limited
Having one of its branch office at :
4th Floor, Loyal Towers,
No.68/2, Greams Road, Chennai – 600 006,
Represented by its Authorised Signatory,
Mr.P.Saravanan.

... Applicant

VS.

1. Praveen Kumar
S/o.Ramesh
2. Kariyamma
W/o.Ramesh

...Respondents

Prayer: Original Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9(ii) (d) and (e) of the Arbitration and Conciliation Act, 1996, to pass an order of interim injunction restraining 2nd respondent by himself, his servants, assigns, agents, representative, officers, trustees, beneficiaries, administrator/s or any other person claiming through or under them or under any instrument, whatsoever, from in any manner selling, alienating, transferring, parting with the possession of, dealing with,



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disposing of, inducting anyone into or developing or creating any third party right or interest of whatsoever nature and in any manner whatsoever in respect of their property more fully described in the schedule hereunder :

District	Chitradurga
Block	Hiriyuru
Village Panchayithi	Uduvalli
Village	Challamadu
Property No.	151000301000300034
Property No.(as per Village Panchayithi documents)	63
Property Category	Government Housing Board/Under Housing Board Residence Project granted property
Property Type	Residence
Site	Building
Extent in Sq.Meter	111.48
Measurement	East-West : 12-19 North-South : 9-14
Schedule	North : Road East : Kariyappa House West : Road South : Kumar Land
As per Village Panchayithi Decision No. & Date	7-05/07/2024
Owner Name	Kariyamma W/o.Lae Ramesha
Address	Challamadu Village, Hiriyuru Taluk, Chitradurga District.



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For Applicant : Mr.M.Arunachalam
For Respondents : No appearance

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (Act No.26 of 1996) seeking for an interim injunction restraining the second respondent from alienating / encumbering the property more fully described in the schedule to the Judges Summons.

2. When the application came up for hearing on 06.08.2025, this Court passed the following order:

"This application has been filed under Section 9 of the Arbitration and Conciliation Act, seeking for an order of interim injunction to restrain the second respondent from alienating/encumbering the property, morefully described in the schedule to the judges summons.

2.The respondents are defaulters in the repayment of loan to the applicant under the loan agreement dated 25.05.2024. The respondents had availed loan from the applicant for the purchase of an equipment, which is the subject matter of the agreement dated 25.05.2024. The applicant has already recalled the loan through its loan recall notice dated 13.12.2024. The applicant has also initiated arbitration in accordance with the arbitration clause contained in the agreement by issuing notice to the respondents by invoking arbitration on 08.07.2025. The applicant has stated in the affidavit



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filed in support of this application that they are unable to re-possess the equipment from the respondents exercising their power available to them under the loan agreement. According to the applicant, the only security now available to them is the property owned by the second respondent, who is the co-borrower to the loan. The applicant has also filed a copy of the encumbrance certificate along with the english translation, which will reveal that the second respondent is the owner of the property, morefully described in the schedule to the judges summons. As on date, a sum of Rs.31,78,021.10 is due and payable by the respondents to the applicant as seen from the statement of account dated 22.07.2025 filed along with this application.

3.Since a prima facie case has been made out by the applicant for the grant of an order of interim injunction as prayed for in this application and this Court is also satisfied that the applicant has established the balance of convenience and irreparable hardship, this Court is inclined to grant an order of interim injunction as prayed for in this application. Accordingly, there shall be an order of interim injunction against the second respondent from alienating/encumbering the property, morefully described in the schedule to the judges summons.

Notice to the respondents returnable by 10.09.2025. Private notice is also permitted. Post the matter on 10.09.2025. "

3. The matter came up for hearing on 09.09.2025 and this Court, considering the fact that the notice sent to the respondent has been returned with an endorsement 'Door Locked', permitted the learned counsel for the petitioner to effect paper publication.



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4. Pursuant to the above order, paper publication has been effected and affidavit of service has also been filed before this Court. The names of respondents 1 and 2 are printed in the cause list but there is no appearance either in person or through counsel.

5. In view of the above, the interim order passed by this Court dated 06.08.2025 is made absolute and this application is disposed of in the above terms.

07.10.2025

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No



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N.ANAND VENKATESH, J.

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