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Arbitration Application No.1084 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1084 of 2025

Tata Capital Limited
By its Associate Legal Remedial
R.Kamalakannan,
Having its office at
1st Floor, Centennial Square,
6A, Dr.Ambedkar Salai,
Kodambakkam,
Chennai 600 024

.... Applicant

Vs.

1. Rahul Chawla

2. Neha Chawla

3. M/s.Rahul S Kar Spa &n Tyre Care
Rep by its Proprietor Rahul Chawla
No.301, Sankaalp Central Park Gerenium
Yadavgiri, Mysore, 570 020

.... Respondents

Arbitration Application under Order XIV Rule 8 of Original Side Rules r/w Section 9 (ii)(b) (d) & (e) of the Arbitration and Conciliation Act, 1996, praying to direct the Respondent 1 and 2 to furnish security to an extent of Rs.18,61,330/- within the time stipulated by this Honble Court failing which to order attachment of the property being Residential Flat No.301, Block No.13, Wing Z2 on the 3rd Floor, Measuring super built up area of 3BHK Flat, of 1800 sq ft, inclusive of



share in common area in the building known as Sankalp Central Park, Along with a identified one covered car parking slot in the basement floor together with an Equitable share of undivided interest of 724.32 sq.ftout of 17,213 square meter, bearing CTS No.3360 and Municipal Nos.1-7, Situated at Jawa Main Road, Yadavagiri, Industrial Area, Devaraja Mohalla, Mysore and bounded as under East Commercial Property held by M/s.Shalom Voyaagers Pvt Ltd, West Road, between the Underlying property and Ramakrishnan Ashram Vidhysahala North Balance residential Property held by M/s.Shalom Voyagers Pvt Ltd South Jawa Main Road, situated within the office of Sub Registration for devaraja Mohalla Mysore.

For Applicant : Mr.N.K.Vanan
For Respondents : Mr.P.Nandha Pravesh

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) for a direction to the respondents to furnish security to an extent of Rs.18,61,330/- failing which the order attachment of the property morefully described in the judges summon.

2. The case of the applicant is that the respondents availed financial assistance under the business loan scheme and a sum of Rs.20,00,000/- was sanctioned. The 1st respondent was the applicant and



the respondents 2 and 3 are the co-borrowers. The parties entered into a loan agreement dated 20.12.2022.

3. The grievance of the applicant is that the respondents failed to repay back the loan amount and as on date, a sum of Rs.18,61,330/- was due and payable by the respondents. All attempts made by the applicant for repayment of the amount failed. In the meantime, the respondents attempted to dispose of the only property that is available and it is under these circumstances, the present application came to be filed before this Court.

4. Notice was ordered by this Court and the learned counsel entered appearance on behalf of the respondent and sought time for filing counter. No counter affidavit has been filed till date.

5. The respondents are not represented either through counsel or in person and hence, this Court after having waited for two hearings, decided to deal with this application on merits.

6. Heard the learned counsel for the applicant and carefully perused the materials available on record.



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7. In the considered view of this Court, the applicant has satisfied the requirement under Order XXXVIII Rule 5 of CPC. The respondents have not cared to contest this application and establish their bonafides. Considering the conduct of the respondents, this Court is inclined to pass an order of attachment as sought for in this application. Accordingly, this Application stands allowed as prayed for. This order shall be communicated to the concerned Sub Registrar Office in order to make necessary entry in the encumbrance certificate.

6. In the result, this application is allowed in the above terms.

No costs.

19.01.2026

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N.ANAND VENKATESH, J.

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