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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1550 of 2025

1. Cholamandalam Investment And Finance Co Ltd
Chola Crest, C 54 and 55, Super B-4,
Thiru Vi Ka Industrial Estate, Guindy,
Chennai

Applicant(s)

Vs

1. Chellamani S
2. Arokiamary G

Respondent(s)

PRAYER 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 Respondents to furnish security for the sum of Rs.2,98,036/- within a time fixed by this Court failing which to order attachment of the immovable properties morefully described in the Schedule to the Judges Summons till enforcement of the award passed in the arbitration proceedings and a copy of the attachment order be transmitted through the Principal District Court, Coimbatore, Tamilnadu and the attachment order may be hand delivered to the Applicant for transmission.

For Applicant(s): Mr.D.Pradeep Kumar



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.12,83,314.00/- failing which the order attachment of the property morefully described in the judges summon.

2. When the matter came up for haring on 24.11.2025, this Court passed the following order:

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 for a sum of Rs.2,98,036/- based on the award passed on 11.08.2025.

2. It is brought to the notice of this Court that the vehicle has already been seized and thereafter the award has been passed and in spite of the same, there is a total due of Rs.2,98,036/- payable by the respondents.

3. Taking into consideration the facts and circumstances of the case and considering the materials placed before this Court, there shall be a direction to the respondents to furnish security for a sum of Rs.2,98,036/- before the next date of hearing.

4. Notice to the respondents returnable by 15.12.2025. Private notice is also permitted.

Post on 15.12.2025.



3. When the matter came up for hearing on 05.01.2026, this Court passed the following order:

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Notice sent to the respondents has been returned with an endorsement 'no such person/unclaimed'. Hence learned counsel for the applicant is directed to effect paper publication on the respondents in any one of the regional papers circulated in the area on or before 16.01.2026 mentioning the date of hearing as 27.01.2026.

2. Post the matter on 27.01.2026.

4. The private notice sent to the respondents has been served and the affidavit of service has also been filed. Though the name of the respondents have also been printed in the cause-list, there is no representation for the respondents either in person or through counsel.

5. In view of the same, 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.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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N.ANAND VENKATESH J.

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