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Arbitration Application No.1546 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2026

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1546 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

Vs.

1.Devadas R.

2.Sasi Kumar G.

.... Respondents

PRAYER

Arbitration Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9(1)(ii)(b) of the Arbitration and Conciliation Act, 1996, praying to direct the respondents to furnish security to the sum of Rs.8,60,897/- within a time fixed by this Court failing which to order attachment of the immovable properties more fully 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, Tamil Nadu and the attachment order may be hand delivered to the applicant for transmission.

For Applicant : Mr.D.Pradeep Kumar



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ORDER

When this application came up for hearing 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.8,60,897/- 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.8,60,897/- 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.8,60,897/- 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.”

2. The matter was again listed for hearing on 05.01.2026 and the following order came to be passed by this Court:

“Private notice that was sent to the 1st and 2nd respondents has been returned with an endorsement ‘left/unclaimed’. Hence, there shall be a direction to the learned counsel for the applicant to effect paper publication through Malai Malar Coimbatore Edition to respondents 1 and 2 on or before 16.01.2026 mentioning the date of hearing as 27.01.2026. 2. Post the matter for hearing on 27.01.2026.”



3. The matter was once again listed for hearing on 02.02.2026 and the following order came to be passed by this Court:

“The learned counsel for the applicant is directed to once again effect substituted service by paper publication on respondents in the Malai Malar Newspaper, Coimbatore edition. The publication shall be effected on or before 09.02.2026 and the notice shall be returnable by 23.02.2026.

Post this case on 23.02.2026.”

4. Pursuant to the above order, paper publication was effected and affidavit of service has also been filed and the names of respondents have also been printed in the cause list. However, there is no appearance for the respondents either in person or through pleader.

5. In the light of the reasoning given in the earlier order dated 24.11.2025 and also considering the fact that the respondents have not furnished security to the extent of the claim amount of Rs.8,60,897/- [Rupees Eight Lakhs Sixty Thousand Eight Hundred and Ninety Seven only], there shall be an order of attachment of the property described in the schedule to the Judges summon till enforcement of the award passed in the arbitration proceedings. This order shall be transmitted to the



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N.ANAND VENKATESH, J.

gm

concerned Sub Registrar for making necessary entry in the encumbrance certificate.

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

26.02.2026

Index:yes/no

NCC:yes/no

Speaking order/Non-speaking order

gm

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