

**In the Court of the District Judge of Palakkad.
Present: Sri.K.E.Salih, District Judge**

**Thursday the 5th day of March, 2026/
14th day of Phalguna, 1947 S.E.**

**Interlocutory Application No.01/2026
Miscellaneous Application (Arbitration) No.130/2026**

Petitioner/Petitioner :

Cholamandalam Investment and Finance Company Ltd.
Chola Crest, C 54 & 55, Super B-4, Thiru Vi Ka Industrial
Estate, Guindy, Chennai 600032, Having its Branch Office
at 1st Floor, Soorya Platinum Building, Opp. HP Petrol
Pump, Noorani, Palakkad - 678014. Represented by its
Authorized Officer / Branch Legal & Recovery Manager &
Power of Attorney Holder Jais Clement.P., aged 33 years,
S/o. Clement.

By Advocate: K. A. Kailas

Vs:-

Respondents/Respondents:-

- 1 Subair. K.H, aged 40 years, S/o. Hussain,
Kooliyattuvalappil House, Vettikattiri, P.O, Panjal, Thrissur
District - 679531
- 2 Sainunneesa.O.U, D/o. Subair, Kooliyattuvalappil House,
Vettikattiri, P.O., Panjal, Thrissur District - 679531

Respondents : Not entered in appearance.

This application is filed under Order 38 Rule 5 of the Civil Procedure Code, read with section 9 of the Arbitration and conciliation Act 1996 to pass an order of attachment of petition schedule property with the aid of police and direct the respondents to furnish the security to the tune of ₹16,39,764/- (Rupees sixteen lakhs thirty nine thousand seven hundred and sixty four only) and in default make the order absolute.

This Interlocutory Application having been heard on 05.03.2026 and this court on the same day passed the following:-

ORDER

The petition is for an order of conditional attachment of a vehicle bearing No. KL-48-R-5800 EICHER PRO 3015 J HSD BSVI.

2. Heard the learned counsel for the petitioner and perused the records including the documents produced. I am satisfied that the petitioner is initiating arbitration proceedings as per the arbitration clause in the agreement. I am also satisfied that the first respondent is trying to alienate / transfer / dispose of the petition schedule property (vehicle bearing registration No. KL-48-R-5800 EICHER PRO 3015 J HSD BSVI) with an intention to delay / defeat the execution of any award / decree, that may be passed in the above proposed arbitration proceedings. Hence, issue notice to the respondents to show-cause why they shall not furnish security to the tune of ₹16,39,764/- (Rupees sixteen lakhs thirty nine thousand seven hundred and sixty four only). Meanwhile, there shall be an order of conditional attachment of the above vehicle.

3. The Amin, who will be deputed, in case the vehicle has to be attached shall release the vehicle on proper bond executed by any respectable person of the locality. If no such person is available or if nobody is ready to take the vehicle on bond, the vehicle shall be released on bond to the possession of the petitioner. In that event, at least 5 photographs of the vehicle taken from different angles shall be produced before the Court with the report in order to avoid future controversies.

4. Issue notice to the respondents, issue attachment order and communicate the order to the Motor Vehicles Department concerned. Call on 07.04.2026.

(Pronounced by me in open court on this the 05th day of March, 2026).

Sd/-
K.E.Salih
District Judge

APPENDIX:- NIL

Sd/-
K.E.Salih
District Judge

Typed by : M. Sobhana

Compared by : Babu. A

**Fair/Copy of Order
in I.A.01/2026
in M.A (Arb) 130/2026
Dated: 05.03.2026**