

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.144 OF 2015
IN
ARBITRATION PETITION NO.629 OF 2013

Citicorp Finance (India) Limited ...Applicant

IN THE MATTER BETWEEN :

Citicorp Finance (India) Limited ...Petitioner

V/s.

Manohar S. Wahala & Anr. ...Respondents

Mr.Sandesh Godse with Ms.Sharayu Pednekar i/b Vivek Patil & Associates for the Applicant / Petitioner.

None for the Respondents.

Mr.Tamanawar, representative of the Court Receiver present.

CORAM : R.D. DHANUKA, J.
DATE : 19TH AUGUST, 2015.

P.C. :-

1. Learned counsel for the applicant tenders affidavit of service and states that the respondents are served. None appeared for the respondents when the matter was called out.

2. By this chamber summons the applicant seeks an order and direction against the Court Receiver to hand over the suit vehicle to the petitioner and seeks permission to sell the vehicle by private

treaty.

3. Learned counsel for the petitioner states that the Court Receiver has already taken physical possession of the vehicle from the respondents. He submits that the learned arbitrator has already rendered an award on 13th September, 2013 which has not been impugned by the respondents, though the signed copy of the award was served upon the respondents.

4. A perusal of the award dated 13th September, 2013, indicates that the learned arbitrator has permitted the petitioner to re-possess and to sell the said vehicle and to adjust the said amount against the total amount awarded to the petitioner.

5. The applicant has thus filed this chamber summons for direction to the Court Receiver to hand over possession of the suit vehicle to the petitioner with liberty to sell the suit vehicle by private treaty.

6. None appeared for the respondents. No affidavit in reply has been filed.

7. In view of the award rendered by the learned arbitrator not having challenged by the respondents within the time prescribed under section 34(3) of the Arbitration & Conciliation Act, 1996, the arbitral award has attained finality. The Court Receiver is accordingly directed to hand over possession of the suit vehicle to the petitioner.

Upon handing over possession of the suit vehicle to the petitioner, the Court Receiver shall stand discharged without making any accounts however, on payment of costs, charges and expenses.

8. Upon the Court Receiver handing over possession of the suit vehicle to the petitioner, the petitioner would be allowed to sell the suit vehicle by private treaty by calling the bids and selling to the highest bidder and is permitted to appropriate the sale proceeds towards the dues receivable from the respondents under the said award dated 13th September, 2013.

9. The petitioner is directed to pay costs, charges and expenses of the Court Receiver within two weeks from the date of communication of such charges by the office of the Court Receiver.

10. The chamber summons is disposed of in the aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)