

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 17TH DAY OF JULY 2018

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

A. No.4565 of 2017

In the matter of
Arbitration & Conciliation
Act, 1996.

And

In the matter of Disputes
between M/s.Cholamandalam
Investment and Finance
Company Ltd., and Mr.Rauf
Kha Mustafa Kha Pathan
Arising under Loan
Agreement No.
XSHUAUR0000158882 Dated
30.01.2016.

M/s.Cholamandalam Investment and Finance Company Limited,
'Dare House', No.2, N.S.C.Bose Road,
Parrys,
Chennai- 600 001
Represented by its Authorised Signatory

: Applicant

Vs.

1. Mr.Rauf Kha Mustafa Kha Pathan (Deceased)
193, At-Post - Tanda Bazar Gawali Tanda,
TQ-Sillod, Aurangabad,
Maharashtra - 431112.

(*) 2. Mrs.Maleka Birauf Pathan
W/o. Rauf Kha Mustafa Kha Pathan
193, At-Post - Tanda Bazar Gawali Tanda,
TQ-Sillod, Aurangabad,
Maharashtra - 431112.

(*) (2nd respondent impleaded and brought on record OSLR of
the deceased sole respondent by order dated 21.06.2018 &
03.07.2018 in A.No.1259 of 2018)

: Respondent

<https://hcservices.ecourts.gov.in/Applications/>
Application praying that this Hon'ble Court be pleased
to appoint employee of the Applicant Viz.Mr.Digambar

Paikade, Area Receivables Manager as Receiver to seize and take possession of the vehicle which is more fully described in the schedule to the judges summons which is lying in the custody of respondent or his men, agents, servants from his premises or wherever found with Police aid and break open of premises if necessary.

This Application coming on this day before this court for hearing the court made the following order:

By order, dated 16.08.2017, this Court appointed Mr.Digambar Paikade, Area Receivables Manager as Receiver to seize and possess the vehicle in question.

2. Pursuant to the warrant of commission issued by this Court to seize the vehicle, it is today represented by the learned counsel appearing for the applicant that the vehicle has been seized on 26.12.2017 and handed over to the applicant company by the Receiver. He would also confirm that proceedings for arbitration in connection with the transaction relating to the aforesaid asset have been concluded and an award has been passed favouring the applicant on 23.06.2017 in Arbitration Case.

3. In view of the above, nothing further survives in this application and the same stands closed. The parties are free to take such action, as they may desire hereafter, in accordance with law.

Sd/-P.S.N.J
17.07.2018

//Certified to be a true copy//
Dated this the day of 2018.

KY/30.08.2018

COURT OFFICER