

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 27th DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE C.SARAVANAN

A. No.6414 of 2018

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Disputes
between M/s.Daimler Financial
Services India Private Limited
and Ms.Pooja Stalin Kumar
Arising under Loan Agreement
Dated 14.08.2017 bearing
Contract No.10126579

M/s. Daimler Financial Services
India Private Limited,
Unit 202, 2nd Floor, Campus 3B,
RMZ Millennia Business Park,
No.143, Dr.M.G.R.Road,
Perungudi, Chennai 600 096
Represented by its Authorised Signatory

..Applicant

-vs-

1.Ms. Pooja Stalin Kumar,
GFD Coral Manor,
No.40/41, 2nd Main Road,
RA Puram, Chennai 600 028

also at:

12, Co-operative Colony,
Gandhi Nagar, Namakkal,
Tamil Nadu 637001

...Respondent

2.M/s. Trans Car India Pvt.Ltd
355 A, GST Road,
Chennai 600 016

...Garnishee

Application praying that this Hon'ble Court be pleased to appoint the authorised agent of the Applicant viz Mr.Kabali R 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 garnishee or respondent or respondent's men, agents, servants from garnishee premises or respondent 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:

The first respondent has defaulted in making payments and is unable to repay the installments. Unaware of the terms of the agreement the first respondent handed over the vehicle to the second respondent-Garnishee. Under these circumstances the applicant has moved this application for appointment of a Receiver.

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 subject vehicle has been seized and handed over to the applicant company.

3. The first respondent is not interested in re-possessing of the vehicle. Therefore, the first respondent is directed to give a consent to the applicant within a period of one week, failing which the applicant will be entitled to liquidate the asset and sell it in the market.

4. The first respondent is given liberty to bring any buyer, in which case the applicant shall consider the same and proceed accordingly.

5. In view of the above directions, the application is closed.

Sd/.C.S.N.J

27.09.2018

//Certified to be a true copy//

Dated this the th day of 2018.

KY/01.10.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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