

Application No.3523 of 2019**PUSHPA SATHYANARAYANA, J.**

Earlier on 30.04.2019 this Court had appointed one Mr.A.Tamilarasan, Advocate as an Advocate Commissioner to seize and possess the construction equipment in question.

2. Learned counsel for the applicant has filed a memo dated 23.10.2019 stating that the learned Advocate Commissioner has expressed his inconvenience to go to the place where the hypothecated machineries are situate and hence, he seeks to appoint a Receiver, viz., Mr.Thiyagarajan Pichaiya, Chief Manager of the applicant-Company to seize and possess the vehicle in question.

3.Upon considering the facts and circumstances of the case, this Court is satisfied that the applicant has made out a *prima facie* case in its favour and accordingly, Mr.Thiyagarajan Pichaiya, Chief Manager, is appointed as Receiver to take custody of the construction equipment. The Receiver will be entitled to take possession of the equipment from the respondents or their agents or any one in possession thereof. If necessary, the Receiver shall get police assistance and the Station House Officer of the concerned Police Station, within whose jurisdiction the equipments are found, will render requisite assistance for this purpose.

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4. The agreement entered into between the applicant and the respondent provides for arbitration in the event of disputes and differences between the parties. It is submitted by the learned counsel for the applicant that proceedings for arbitration have been initiated and are pending in Arbitration case. The Receiver shall preserve the equipment without alienating or encumbering thereof till the arbitration proceedings are concluded. However, in case the respondents make payment of the outstanding installments, the Receiver shall release the construction equipment to the respondents. The receiver shall seize the equipment within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Application is closed.

WEB COPY **31.10.2019**

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Note : The counsel for the applicant is permitted to receive the certified copy of the order of the Receiver and communicate the same to the Receiver.

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