



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.23635 of 2019

R.Sivagami Sundari

... Petitioner

Vs.

1.The Regional Director,
Reserve Bank of India,
Rajaji Salai,
Chennai - 1.

2.The Regional Manager,
Sundaram Finance Limited,
Regd.Office No.21,
Patullos road,
Chennai - 600 002.

3.The Branch Manager,
Sundaram Finance Limited,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 3rd respondent to return back the petitioner's vehicle namely Ashok Layland Lorry(Goods Carrier) bearing registration No.TN 68 Z 1306 to the petitioner based on her representation dated 16.10.2019.

For Petitioner : Mr.M.Pounraj

ORDER

This writ petition has been filed seeking a direction to the respondents to release the petitioner's vehicle namely Ashok Layland Lorry(Goods Carrier) bearing registration No.TN 68 Z 1306 to the petitioner, based on her representation dated 16.10.2019.

2.The petitioner has entered into hypothecation agreement with the respondents 2 and 3 for purchase of the vehicle in question. Since the petitioner committed default in payment, in terms of the agreement, the respondents 2 and 3 have repossessed the vehicle and issued a notice to sell the vehicle and recover the balance amount through arbitral proceedings.

3.Admittedly, an arbitration clause is available in the agreement. If at all the petitioner wants to get some protection



order, she has to approach the appropriate Court under Section 9 of the Arbitration and Conciliation Act, 1996. The writ petition under Article 226 of the Constitution of India is not maintainable and the same is dismissed accordingly. No costs.

WEB COPY

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

mj

+1 CC to M/s.M.POUNRAJ, Advocate (SR-97048[F] dated 08/11/2019)

W.P. (MD) No.23635 of 2019
08.11.2019

VB(15.11.2019) 2P 2C