

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 1520 OF 2019**

Citibank NA	...Petitioner
<i>Versus</i>	
Dhanaveersingh Bhadalia (Borrower) & Anr	...Respondents

**Mr Hafeez Patanwalla, with Ms Aditi Rajpoot, i/b Vivek Patil &
Associates, for the Petitioner.**

**CORAM: G.S. PATEL, J.
DATED: 3rd February 2020**

PC:-

1. The Respondents are absent. The order of 6th January 2020 incorrectly notes the appearance on behalf of the 2nd Respondent. In fact none appears for the 2nd Respondent. An Affidavit of Service is already on file as noted on 6th January 2020. There is no Affidavit in Reply.

2. On 19th November 2018, the Petitioners obtained an Award jointly and severally against the Respondents in the amount of Rs.12,10,489.83. The time for challenge to that order has not yet expired. Hence this Application under Section 9 of the Arbitration and Conciliation Act 1996 for protective reliefs pending enforcement.

3. The loan granted by the Petitioner was secured by hypothecation described at page 75 as a commercial machine being JCB 3DX, Machine No. H00099156, Chassis No. HAR3DXXTC01493565.

4. Having regard to these circumstances, there will not only be a confirmation of the previous ad-interim injunctions in terms of prayer clause (c), but there will also now be an ad-interim order in terms of prayer clause (a) appointing the Court Receiver of the hypothecated asset, including the power to take possession of that asset at the cost of the Petitioners. The asset is said to be located at the garage of the 1st Respondent, at 854, Shanti Nagar Road, Patana, Taluka Vallabhipur, Bhavnagar 364 310.

5. The Court Receiver will act on authenticated copy of this order. The Court Receiver is not required to give notice to the Respondents. The local police in Bhavnagar will provide the necessary assistance to the Court Receiver if so requested and will act upon production of an authenticated copy of this order.

6. The arbitration petition is disposed of in these terms. No costs.

(G. S. PATEL, J)