

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7/8/2020

C O R A M

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

A.No.882 of 2019

In the matter of Arbitration and Conciliation Act 1996 between M/s.TVS Credit Services Limited and Mr.Kumar.M arising under Loan cum Hypothecation Agreement No:TN3000CA0005713 Agreement dated 29.04.2016.

M/s TVS Credit Services Limited,
Rep by its Authorized Signatory,
Ms.Sinitha.S,
Jayalakshmi Estates,
New No.29, Old No.8, Haddows Road,
Chennai – 600 006.

: Applicant

Vs.

Mr.Kumar.M,
S/o Murugesan,
No.1/356, Perumal Koil Street,
Solavaram,
Chennai – 600 067.

: Respondent

Application filed under XIV Rule 8 of Original Side Rules, 1956 r/w. Section 9, 9 (d) of the Arbitration and Conciliation Act, 1996 to pass an order of appointment of receiver Mr.Jayaprakkash to seize and deliver the vehicle more fully described in the schedule herein available at the Respondent's premises or wherever found and with whomsoever it is found and an trust the custody of the same to the Applicant, and permit the Receiver to obtain Police aid and to break open the premises.

For applicant ... Mr.M.Soundar Vijai Arul Ram
No appearance

ORDER

This application has been filed to appoint Mr.Jayaprakkash working as Deputy Legal Manager at Chennai, in the applicant Company as Receiver to seize and deliver the vehicle more fully described in the schedule herein available at the respondent's premises or wherever found with whomsoever it is found and trust the custody of the same to the applicant and permit the Receiver to obtain Police aid and to break open of premises if necessary.

2. This Court by an order dated 1/2/2019, appointed

M/s.S.Jeevitharamani, as Advocate Commissioner to seize and possess the

vehicle. Though the order was passed as early as on 1/2/2019, subsequent

stage has not been informed before this Court and moreover, there is no representation on the side of the applicant for the last two hearings. Further no material is placed before this Court to show that any arbitration proceeding has been initiated. In the absence of any such material, this Court cannot keep application pending which is filed for interim measure.

3. Accordingly, instant application is dismissed.

Sd/.N.S.K.J.
07.08.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/09.09.2020

COURT OFFICER(O.S.)

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

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