

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/9/2020

C O R A M

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Application No.417 of 2020

1. J. Rathish

2. R. Poornima

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Applicants

Vs

Mahindra & Mahindra Financial
Services Pvt Ltd
II Floor Behind Mahindra Towers
570 PB Marg, Worli
Mumbai
Maharashtra 400 018.

Having Branch Office at

New No.244, Old No.713, III Floor
Level 4, Rare Block, Carex Centre
Anna Salai, Thousand Lights
Chennai 600 006.

...

Respondent

Application filed under XIV Rule 8 of Original Side Rules, 1956

r/w. Section 9 (ii) (d) & (e) of the Arbitration and Conciliation Act,
1996.

For applicants ... Ms.A.S.Neela Narayani
for Mr.A.Damodaran

ORDER

This application has been filed to grant an ad-interim injunction restraining the respondent, their men, agents, servants, etc., from taking possession of the vehicle namely Bharat Benz bearing Registration No.TN14R-4353, Engine No.400952D0066174 and Chassis No.MEC2976CGJPO66411 morefully described in the Judges summons from the possession of the applicant.

2. Today, when the matter is taken up for hearing, Ms.A.S.Neela Narayani, learned counsel appearing for the applicants submitted that due to National wide lockdown, Reserve Bank of India has announced the moratorium period. Eventhough the applicants had applied for the moratorium request, respondent has refused to accept the same. On 4/9/2020, respondent has terminated the contract, by issuing termination notice. If the vehicle is repossessed by the respondent, rights and interest of the applicants would be seriously affected. Hence the instant application has been filed for the relief as stated therein.

3. Taking note of the above facts, this Court is of the view that the applicants have made out a prima facie case for grant of injunction and balance of convenience is in favour of the applicants.

4. There shall be an order of interim injunction till 30/9/2020. Notice. Private notice is also permitted. Applicant shall comply the provision of Order 39 Rule 3 of CPC.

5. Post on 30/9/2020.

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mvs.

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A.No.417 of 2020

N.SATHISH KUMAR,J

mvs.



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