

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.1258 of 2020

M/s. Kotak Mahindra Bank Limited,
Rep.by its Assistant Legal Manager / Authorized Signatory
R. Vasu,
8th Floor, TVH Agnitio Park, Zone 2,
Old Mahabalipuram Road,
Kandanchavadi, Chennai – 600 096. ... Applicant

Vs.

1.Pazhani R
2.Megala S
3.K R Sampath ... Respondents

Prayer: Application filed under Order XIV, Rule 8 of O.S.Rules r/w Section 9(ii) (e) of the Arbitration and Conciliation Act, 1996 to appoint receiver as Mr. D. Vimalan, Manager, Kotak Mahindra Bank Ltd., to seize and take possession of Commercial Vehicles – Heavy Construction Equipment – Tipper – Daimler India Commercial Vehicles Pvt. Ltd., - CB BB3128C fully built Tipper bearing Registration No.TN73Q5158 with Engine No.400953D0059025 and Chassis No. MEC2547BCJP059250 lying at the address of the respondents 1 & 2 or wherever and to handover to the applicant in as is where is condition.

For Applicant : Ms. Abirami
For Respondents : No Appearance

ORDER

This application has been filed seeking a direction to appoint the employee of the applicant viz., Mr. D. Vimalan, Authorised Agent, as a Receiver to seize the vehicle.

2. When the matter is taken up today, the learned counsel appearing for the applicant submitted that arbitration proceedings has been initiated.

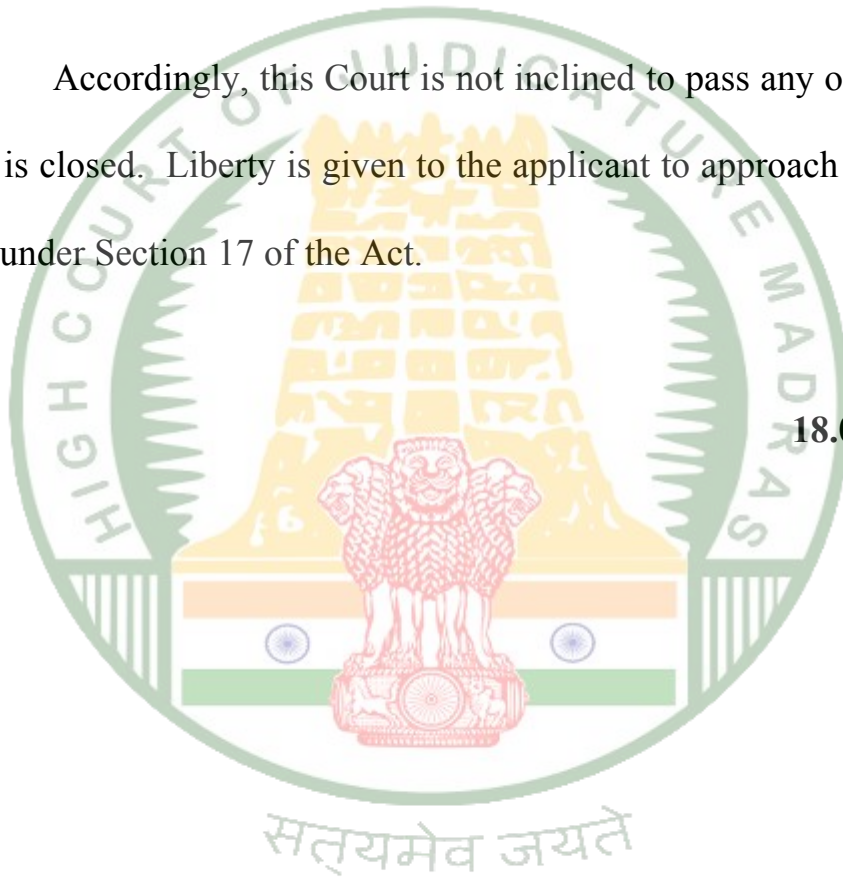
3. Section 9 of the Arbitration and Conciliation Act states that once arbitral tribunal has been constituted, the Court normally shall not entertain any application for interim measures unless the Court finds that circumstances exist which may not render the remedy provided under section 17 efficacious.

4. In such view of the matter, once arbitration is already initiated, this application is only for interim nature of seizing the vehicle, such application can very well be moved before the Arbitrator.

5. Accordingly, this Court is not inclined to pass any order and the same is closed. Liberty is given to the applicant to approach Arbitral Tribunal under Section 17 of the Act.

18.09.2020

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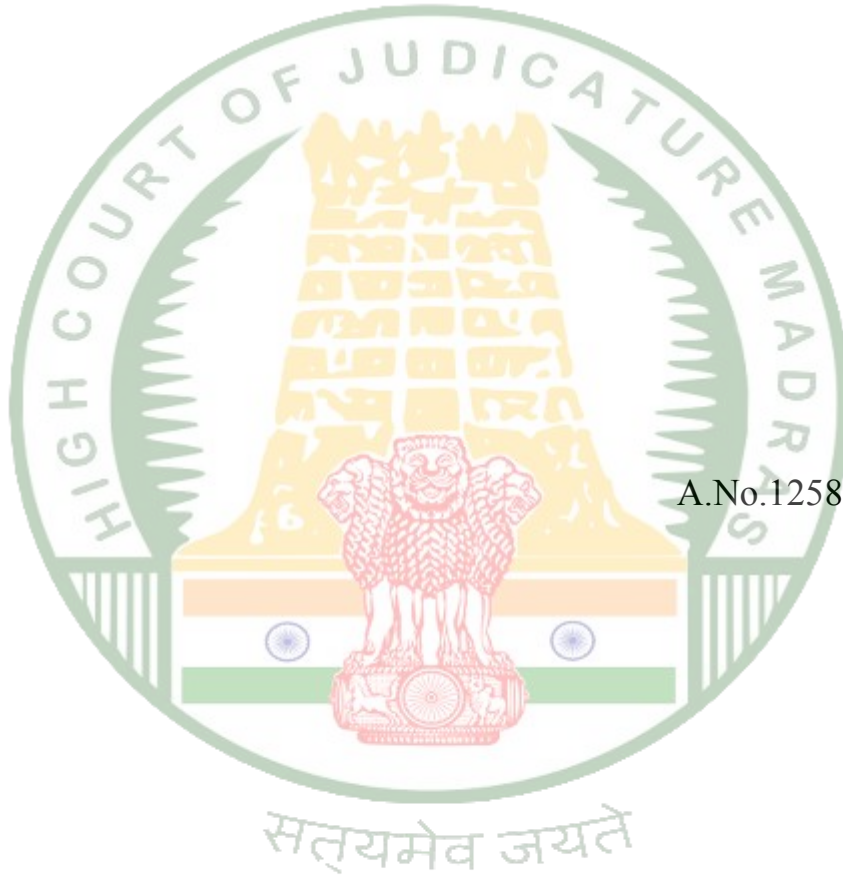


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