

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.**SATHISH KUMAR**

Application No. 2149 of 2018

M/s.Shriram Transport Finance Co. Limited,
represented by its Authorised Signatory
and Executive Mr.S.Varadhan,
S/o. Mr.P.M.Seethapathy,
having its registered office at
Mookambika Complex, III Floor,
No.4, Lady Desika Road,
Mylapore, Chennai-600 004. ... Applicant

Vs.

1. Mr.Logidoss.S,
No.3-166, Ward 3, MGR Street,
Ottiyampakkam,
Near Nallathanni Kulam,
Chennai-600 126.

2. Mr. Kuppan K.,
Old No.3/61, New No.6/159,
MGR Street, Sithalpakkam,
Nearby Small Lake,
Chennai-600 073.

... Respondents

PRAYER: Application filed under Order XIV Rule 8 of O.S.Rules r/w Sec.9(ii)(b) and (e) of the Arbitration and Conciliation Act, 1996, praying to appoint an Advocate Commissioner with direction to seize the schedule mentioned vehicle which is lying under the custody of the respondents or his men, agents, servants or anyone claiming under them from the premises of 1st respondent at No.13, Madha Koil Street, Royapuram, Chennai-600 013 or at any other place where the scheduled asset is found, with the police aid and by breaking open locks if necessary and to take the same into his custody and sell the same at fair market price.

For Applicant : Mr.K.Subhashini Suresh

ORDER

This application has been filed to appoint an Advocate Commissioner with a direction to seize the schedule mentioned vehicle, which is lying under the custody of the respondents or their men, agents or anyone claiming under them from the premises of 1st respondent at No.13, Madha Koil Street, Royapuram, Chennai-600 013 with the police aid and by breaking open locks and to take the same into his custody and to sell the same at fair market price.

2. This application is pending from the year 2018. Despite the order passed by this Court to furnish the details as to the invocation and stage of arbitration proceedings if any, the learned counsel appearing for applicant has not given any explanation. Hence, this Court is unable to keep this application pending for ever. When the applicant himself fails to express his intention to arbitrate the matter, no order can be passed under Section 9(ii)(b) and (3) of the Arbitration and Conciliation Act. Hence, this application is liable to be dismissed. Accordingly, this application is dismissed.

24.08.2020

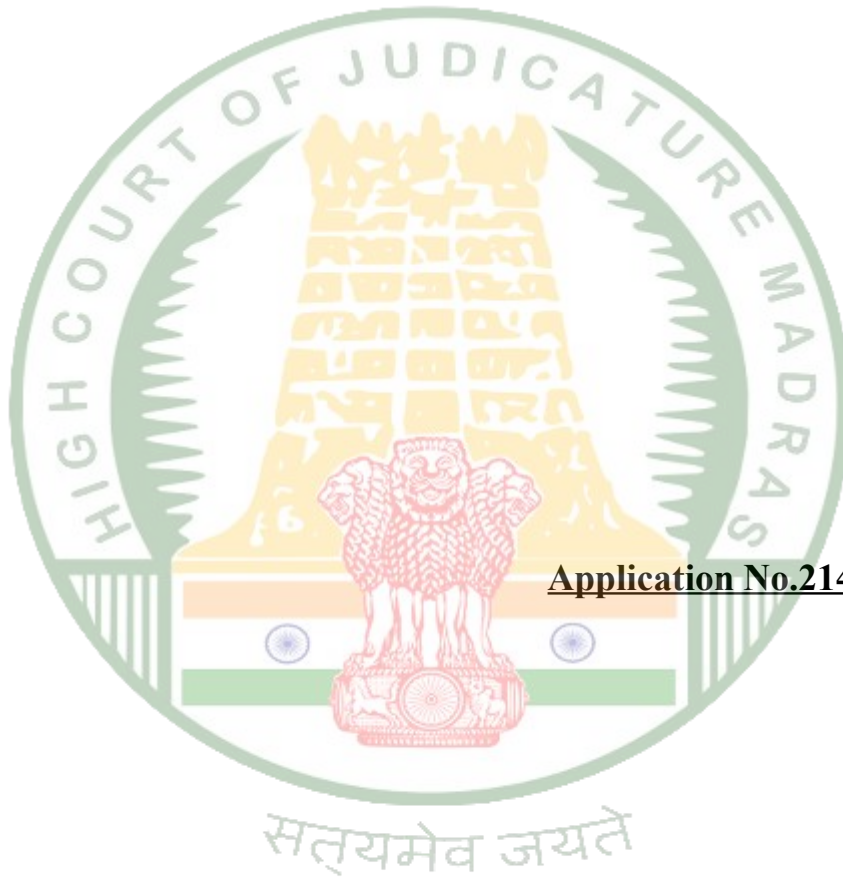
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