

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12.08.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.1332 of 2020

M/s Cholamandalam Investment and
Finance Company Limited, Dare House,
No.2, NSC Bose Road, Parrys, Chennai 600 001.
Represented by its Authorised Signatory ... Applicant

Vs.

Mr. Sharafudeen ... Respondent

Prayer: Application filed under Order XIV Rule 8 of Original
Side Rules r/w Section 9(ii) (a) (b) (c) (d) and (e) of the Arbitration and
Conciliation Act, 1996 to appoint an Advocate Commissioner to seize and
take possession of the vehicle, which is more fully described in the
schedule to the Judges Summons, which is lying in the custody of
respondent or his men, agents, servants from his premises or wherever
found with police aid and break open of premises if necessary.

For Petitioner : Mr. N.Santhosh Nagarajan

For Respondent : No appearance

ORDER

Originally this application was filed for appointment of Advocate Commissioner to seize the vehicle, as interim measure.

2. When the matter is listed today, the learned counsel appearing for the applicant submitted that due to the pandemic situation, it is difficult for accommodating advocate commissioner to travel out of State and hence he prayed for appointing the employee of the applicant Mr.Sabu K.Senior Legal Executive as Receiver to seize and take possession of the vehicle. To that effect, he has also filed a memo.

3. The submission made by the learned counsel appearing for the applicant and the memo filed by him are recorded.

4. It is the case of the applicant that as per the loan agreement dated 13.07.2017, the respondent has availed a sum of Rs.2,95,000/-. As the respondent committed default, it is the contention of the respondent that unless a receiver is appointed to take charge of the

vehicle, there will be irreparable injury and the vehicle will be sold by the other side. Hence, it is prayed for appointment of a receiver.

5. In such view of the matter, if the vehicle is allowed to be sold by the respondent, the very right of the applicant will be defeated.

6. Taking into consideration that the applicant has made out a prima facie case and balance of convenience is in favour of the applicant, Mr.Sabu K.Senior Legal Executive is appointed as a receiver to seize the vehicle covered under the contract. This Order shall operate only for a period of six weeks from the date of receipt of a copy of this Order.

7. The receiver will be entitled to take possession of the vehicle from the respondents or their agents or any one in possession thereof. If necessary, the Receiver shall get police assistance and the Station House Officer of the concerned Police Station, within whose jurisdiction the vehicle is found, will render requisite assistance for this purpose.

N.SATHISH KUMAR, J.

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8. This Order of appointment shall be served on the respondent by the applicant before the receiver takes any action on the basis of this Order.

9. Accordingly, this application is closed.

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