

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12.08.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.1331 of 2020

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

Vs.

Mr.Faisal Parakkamvayalil Proprietor Alif Agencies,
Kozhikode, Thalayad, New Thazhethalayam,
Thalayad, Kerala 673 574. ... 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 employee of the applicant viz.
Mr.Sudheer.PT, Junior Legal Manager as receiver to seize and take
possession of the vehicle, which is more fully described in the schedule,
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

This application has been filed for interim measure for appointing a receiver to seize the vehicle.

2. It is the case of the applicant that as per the loan agreement dated 30.04.2018, the respondent has availed a sum of Rs.6,57,497/-. 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.

3. 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.

4. Taking into consideration that the applicant has made out a prima facie case and balance of convenience is in favour of the applicant, **Mr.Sudheer.PT, Junior Legal Manager** 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.

N.SATHISH KUMAR, J.

mst

5. 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.

6. 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.

7. Accordingly, this application is closed.

12.08.2020

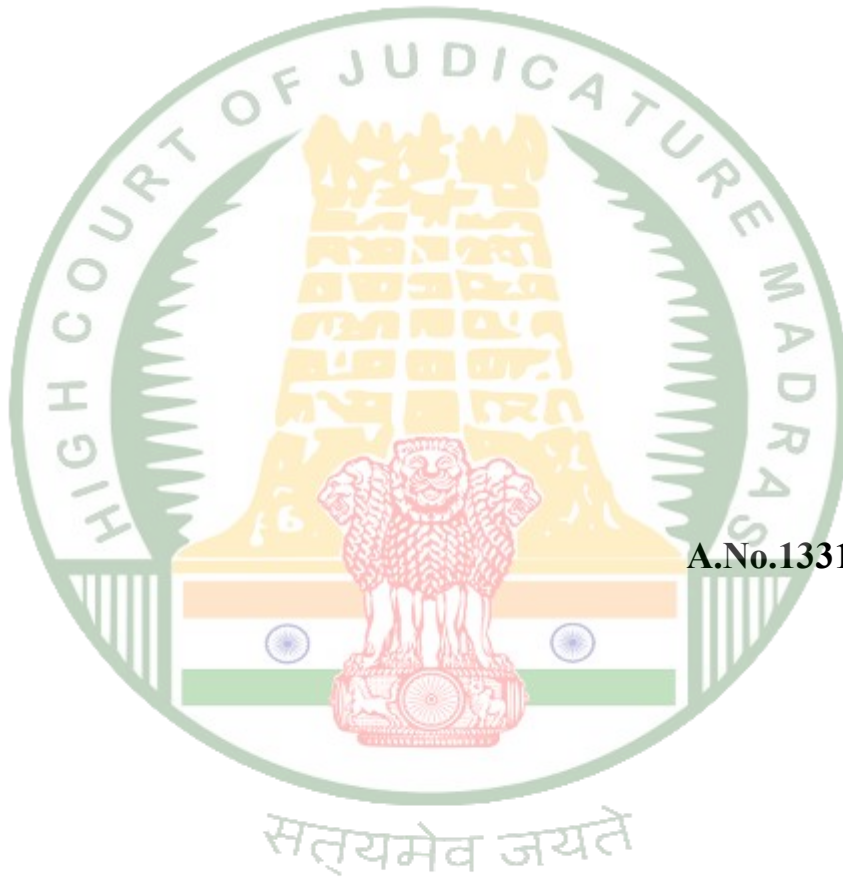
mst

WEB COPY

A.No.1331 of 2020

N.SATHISH KUMAR, J.

mst



A.No.1331 of 2020

WEB COPY

12.08.2020