

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.425 of 2018

M/s.Shriram City Union Finance Limited,
having its registered office at
No.123, Angappa Naicken Street,
Chennai, rep. By its Authorised Signatory
Mr.P.Nawin

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Applicant

versus

1. Mr.R.Anandan, S/o.Ramasamy
Rajthilak General Store,
No.14, Kovalam Road, Mamallapuram,
Thirukazhukundram Taluk,
Kancheepuram District – 603 104.

Also at Mr.R.Anandan, S/o.Ramasamy
No.17/20, Kovalam Salai,
Mamallapuram, Thirukazhukundram Taluk,
Kancheepuram District – 603 104.

2. Mrs.Lakshmi, W/o.Mr.R.Anandan,
No.17/20, Kovalam Salai,
Mamallapuram, Thirukazhukundram Taluk,
Kancheepuram District – 603 104.

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respondents

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9(ii) (c) (d) and (e) of the Arbitration and Conciliation Act, 1996, to appoint receiver to administer the property of the second respondent more fully described in the schedule to the Judge's summons pending disposal of the Arbitration proceedings and enforcement of the award.

For Applicant : Mr.R.Uma Shankar
for M/s.Sri and Shankar Associates

For Respondent : Mr.R.Senthil Kumar

ORDER

This application has been filed to appoint receiver to administer the property of the second respondent more fully described in the schedule to the Judge's summons pending disposal of the Arbitration proceedings and enforcement of the award.

2. The applicant, having obtained an interim Order appointing a receiver to manage the property of the second respondent by an Order dated 09.07.2018, service has not been effected till 26.08.2019 as per the endorsement made by the learned Master. Further, the applicant has not informed before this Court whether or not arbitration proceedings has been initiated. It is seen from the records that the subject property has been mortgaged with the applicant.

3. In such view of the matter, the question of appointing a receiver to manage the property, without any direction to furnish accounts, cannot be

granted. At any event, as the service has not been completed, the applicant cannot take advantage of the interim Order and keep the application endlessly pending.

4. Accordingly, this application is closed and the interim Order granted by this Court stands vacated.



03.09.2020

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N.SATHISH KUMAR, J.



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