

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.4793 of 2018

M/s.Sundaram Finance Limited,
No.21, Patulous Road, Chennai.
rep. by its Manager – Legal,
Mr.N.Madhusudhanan

...

Applicant

versus

1. Mr.D.Ramakrishnan,
S/o.Mr.Dakshinamoorthy

2. Mrs.R.Pradeepa,
W/o.Mr.D.Ramakrishnan
both at 218, South Street, Police Station Road,
Vaduvur, Mannargudi, Tiruvarur – 614 019.

...

Respondents

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9 (ii) (a) (b) and (e) of the Arbitration and Conciliation Act, 1996, to appoint an Advocate Commissioner to seize 1 No. New Holland 3230 Tractor, 2014 Model, bearing Chasis No.:NH3272520 fitted with Engine No.F39760 bearing Registration No:TN 50 S 3499, from the respondents or wherever it is found and deliver it to the applicant with liberty to sell and to permit the Advocate Commissioner to obtain police aid and to break open the premises within which the said vehicle is lying.

For Applicant : Mr.R.Uma Shankar

ORDER

This application has been filed to to appoint an Advocate

<https://hcservices.ecourts.gov.in/hcservices/>

Commissioner to seize 1 No. New Holland 3230 Tractor, 2014 Model,

bearing Chasis No.:NH3272520 fitted with Engine No.F39760 bearing Registration No:TN 50 S 3499, from the respondents or wherever it is found and deliver it to the applicant with liberty to sell and to permit the Advocate Commissioner to obtain police aid and to break open the premises within which the said vehicle is lying.

2. The Advocate Commissioner has been appointed by this Court on 03.07.2018 to seize the vehicle, which is the subject matter of the hire purchase agreement. Notice has not been served to the other side from the year 2018. Having obtained such an Order, without informing this Court as to whether arbitration proceedings has been initiated or not, the applicant cannot take advantage of the interim Orders.

3. In such view of the matter, this Court is not inclined to pass any Order in this application and this application is dismissed.

Sd/.N.S.K.J.

03.09.2020

//Certified to be a true copy//

Dated this the th day of 2020.

su.22.10.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.