

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.3487 of 2019

M/s.Cholamandalam Investment and Finance Company Limited,
Represented by its Authorised Signatory,
Mr.S.Sivasubramanian, Manager, Legal,
"Dare House", No.2,
N.S.C.Bose Road, Parrys,
Chennai - 600 001.

. . . Applicant

Versus

Mr.Shamsudden

. . . Respondent

PRAYER: Application filed under Order XIV Rule 8 of original side rules r/w.SEC 9(ii)(b) of the Arbitration and Conciliation Act, 1996, to appoint employee of the Applicant viz., Mr.Micheal Poovathany - Senior Legal Executive as Receiver 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.

For Applicant : M/s.G.Vijayanand Associates

For Respondent : No appearance

ORDER

This application has been filed for appointment of Advocate Commissioner

to take possession of the construction equipments from the respondent. The order

has been passed by this Court as earlier as on 30.04.2019. In the order itself, this Court made it clear that if the applicant herein fails to initiate arbitration proceedings within a period of six weeks from the date of receipt of a copy of the order and produce proof of the same, the interim order passed in this application would stand revoked, without further orders, which has been categorically stated in para 8 of the order.

2. From the submissions of the learned counsel, it appears that so far no arbitration proceedings has been initiated. Further there is no proof filed before this Court to show that the arbitration proceedings have been commenced.

3. Such view of the matter, keeping this application pending after obtaining interim orders without resorting to the arbitration proceedings is against the very mandate of the Act itself. Therefore the interim order passed by this Court, stands automatically vacated as per the order of this Court, since the applicant has not resorted to the arbitration proceedings. Accordingly, this application is closed. It is for the applicant to workout the remedy as per law.

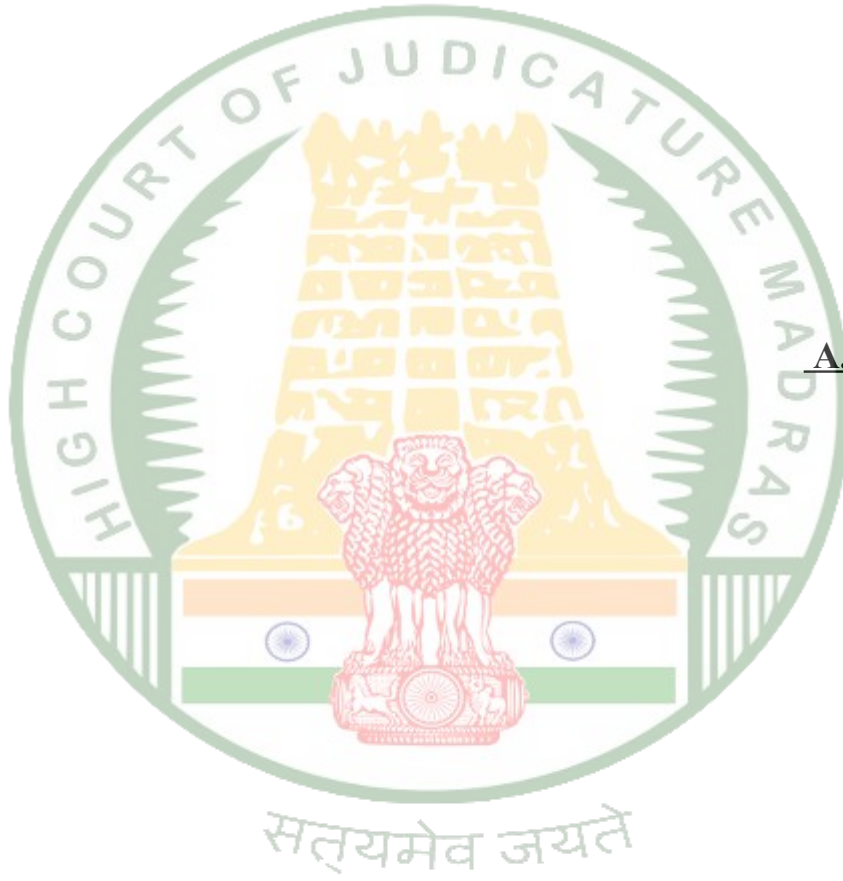
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N.SATHISH KUMAR, J.

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