

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.5123 of 2018

Daimler Financial Services India Pvt., Ltd.,
Unit 202, 2nd Floor, Campus 3B,
RMZ Millennia Business Park,
143, Dr. MGR Road, Perungudi, Chennai – 600 096,
Rep. by its Legal Executive, K.Ramakrishna ... Applicant

Vs.

1.Vishal Darji (Borrower)
2.Mahendrakumar Somabhai Darji (Co-Borrower) ... Respondents

Prayer: Application filed under Order XIV, Rule 8 of O.S.Rules r/w Section 9(ii) (e) of the Arbitration and Conciliation Act, 1996 to appoint Mr. Ramiz Multani S/o. Allaudin Multani, Authorised Agent of the Applicant as a receiver to seize and take possession of the subject schedule vehicle more fully described in the schedule hereunder from the premises of the respondents or wherever found with police aid and bread open of premises if necessary.

For Applicant : Mr. H. Mohamed Ismail

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 16.02.2017, the respondents have availed a sum of Rs.29,85,785/. As the respondents committed default, it is the contention of the respondents 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 respondents, the very right of the applicant will be defeated.

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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. Ramiz Multani S/o. Allaudin Multani, Authorised Agent of the Applicant is appointed as a receiver to seize the vehicle covered under the contract. This Order shall operate only for a period of four weeks from the date of receipt of a copy of this Order.

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 respondents by the applicant before the receiver takes any action on the basis of this Order.

N.SATHISH KUMAR, J.

7. Accordingly, this application is closed.

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