

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30/7/2020

C O R A M

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Application No.5407 of 2018

Daimler Financial Services India Pvt Ltd

rep. By its Legal Executive

Mr.K.Ramakrishna.

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Applicant

Vs

1. Alliance Infrastructure Corporation

Prop Abey Philip (Borrower)

6th Ashok Nagar, 6/D Dhansar

Dhanbad 828 106

Jharkhand.

2. Asif Orooj (Guarantor)

6th Ashok Nagar, 6/D Dhansar

Dhanbad 828 106

Jharkhand.

Respondents

Application filed under Order XIV Rule 8 of Original Side Rules,
r/w. Section 9 (ii) (e) of the Arbitration and Conciliation Act, 1996.

For applicant

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Mr.H.Mohamed Ismail

ORDER

Instant application has been filed to appoint Mr.Gajendra Choudhury, S/o. B.N.Choudhury, Authorised Agent of the applicant as a Receiver to seize and take possession of the subject schedule vehicle more fully described in the Schedule of the Judge's Summons from the premises of the respondents or wherever found with Police aid and break open of premises, if necessary.

2. It is the case of the applicant that as per the loan agreement dated 22/4/2016, the respondents had availed a sum of Rs.57,60,000/-. As the respondents committed default, it is the contention of the applicant 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.Gajendra Choudhury, Authorised Agent of the applicant company 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.

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

mvs.

7. Accordingly, this application is closed.

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mvs.



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