

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 28TH DAY OF SEPTEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A.No.415 of 2020

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of Loan Agreement
No.TNCMCO01273
dated 31.08.2016

VASANTHARAJ R
S/o.Rangasamy,
Old No.1/91, New No.1/257,
Dasampalayam,
Sembiyanallur Avinsashi,
Tirupur - 641 654.

..Applicant

-Vs-

HINDUJA LEYLAND FINANCE LIMITED
(Commercial Vehicle)
No.27A, Developed Industrial Estate,
Guindy, Chennai-600 032.

..Respondent

Original Application praying that this Hon'ble Court be pleased to issue an order of Interim Injunction restraining the Respondent, their men, agents etc, from any way interfering with the possession of the Lorry having Registration No.KA 01 AG 1803 pending the arbitral proceedings between the applicant and the Respondent and the passing of an award therein.

This Original Application coming on this day before this court for hearing the court made the following order:

This application has been filed seeking for interim injunction restraining the respondent and its men from interfering with the possession of the subject matter of the vehicle, pending disposal of the Award that ultimately passed in the arbitration proceedings.

2. It is the contention of the applicant that he had purchased the vehicle from the respondent under the loan agreement and due to pandemic situation, there was a delay in payment of installments. Hence, for interim measure, the applicant sought for interim injunction restraining the respondent from taking possession of the vehicle.

3. The learned counsel appearing for the applicant submitted that arbitration proceedings has been initiated and the same is pending.

4. In such view of the matter, this court is of the view that no further order is required to be passed in this matter and it is open to the applicant to approach the Arbitrator for interim measure of protection, in respect of the subject matter of the dispute, as per Section 17 of the Arbitration and Conciliation Act.

5. Accordingly, this application is closed. No costs.

Sd/.N.S.K.J.
28.09.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/07.10.2020

COURT OFFICER(O.S.)

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



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