

O.A.No.429 of 2020

P.T.ASHA, J.,

This Court by order dated 18.09.2020 was pleased to pass the following interim orders:

"This application has been filed to grant an ad-interim injunction restraining the respondent, their men, agents, servants, etc., from taking possession of the vehicle namely Bharat Benz bearing Registration No.TN14R-4434, Engine No.400952D0065406 and Chassis No.MEC2976CFJPO65614 described in the Judges summons from the possession of the applicant.

2. Today, when the matter is taken up for hearing, Ms.A.S.Neela Narayani, learned counsel appearing for the applicants submitted that due

to National wide lockdown, Reserve Bank of India has announced the moratorium period. Eventhough the applicants had applied for the moratorium request, respondent has refused to accept the same. On 4/9/2020, respondent has terminated the contract, by issuing termination notice. If the vehicle is repossessed by the respondent, rights and interest of the applicants would be seriously affected. Hence the instant application has been filed for the relief as stated therein.

3. Taking note of the above facts, this Court is of the view that the applicants have made out a prima facie case for grant of injunction and balance of convenience is in favour of the applicants.

4. There shall be an order of interim injunction till 30/9/2020. Notice. Private notice is also permitted. Applicant shall comply the provision of Order 39 Rule 3 of CPC.

5. Post on 30/9/2020."

2. It is now informed by the learned counsel for the applicants that the arbitral proceedings have been initiated and the respondent Finance Company has moved Section 17 application seeking repossession of the vehicles.

3. In these circumstances, interest of justice would be sub served if the respondent herein who is the claimant before the Arbitral Tribunal is restrained from repossessing of the vehicles subject matter of the agreement till the disposal of the arbitral proceedings.

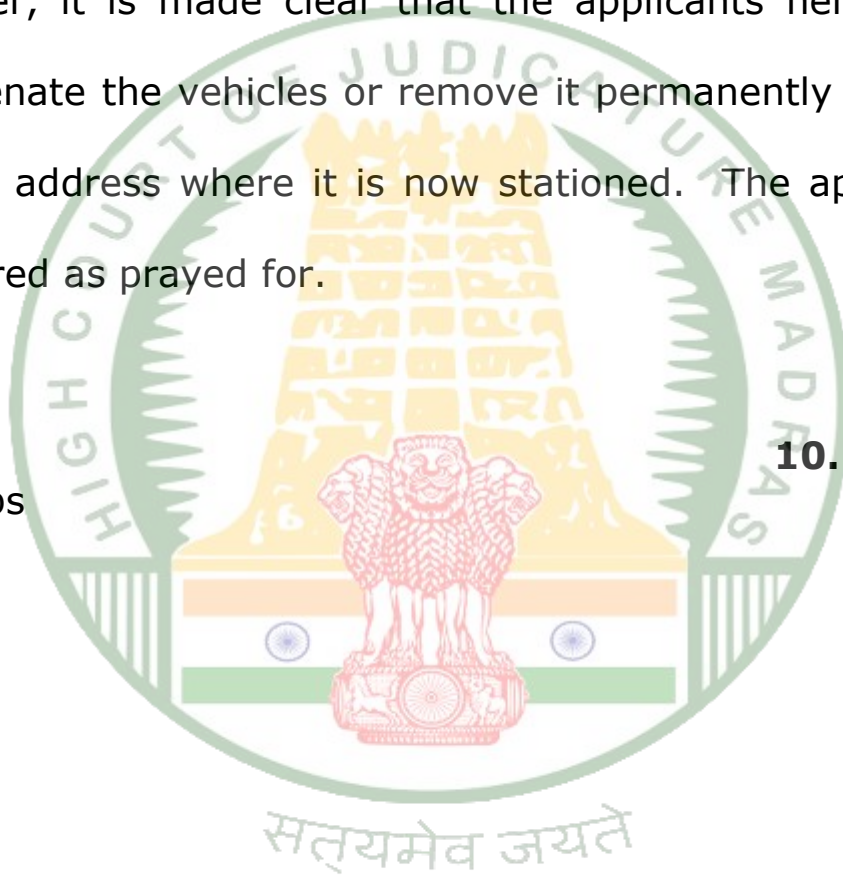
P.T.ASHA, J.,

kan/mps

However, it is made clear that the applicants herein shall not alienate the vehicles or remove it permanently from the current address where it is now stationed. The application is ordered as prayed for.

kan/mps

10.11.2020



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