

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 25TH DAY OF SEPTEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.3736 of 2019

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Arbitration of dispute
between - M/S.SHRIRAM CITY
UNION FINANCE LIMITED – And-
MR.R.ARUNACHALAM – Loan
Agreement

No.PURASTF18012900001 dated
31.01.2018.

M/S.SHRIRAM CITY UNION FINANCE LIMITED,
Having its Office at, No.12,
Ramasamy Street, T.Nagar, Chennai.,
Rep.by its Authorized Signatory Mrs.E.Ramya.

..Applicant

-Vs-

MR.R.ARUNACHALAM
Son of Mr.Rajagopal,
Door No.54, Bajana Koil Street,
Madhana Kuppam, Korattur,
Chennai-600 053.

..Respondent

Application praying that this Hon'ble Court be pleased to appoint a receiver to administer the property of the respondent morefully described in the schedule to the Judge's Summons pending disposal of the Arbitration proceeding and enforcement of the award.

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

This application has been filed for appointment of Receiver to manage the properties.

2. There is no representation for the learned counsel for the applicant.

3. It is from the averments of the applicant, it appears that already simple mortgage is executed in favour of the applicant and the allegations found in the application is vague in nature except stating that the respondent has committed an act of waste. No further details whatsoever stated by the applicant for appointment of receiver.

4. Further, the Mortgage Deed also indicate that the mortgagor further empowered the mortgagee to take action to sell the property as against the mortgagor. In such view of the matter, without any further details and merely on vague allegations, this Court cannot appoint a

40 of Civil Procedure Code are to be observed. Admittedly, arbitration is also commenced and pending.

5. In view of the above, this Court is not inclined to appoint Receiver in this application. Accordingly, this **application is dismissed.**

Sd/.N.S.K.J.
25.09.2020

//Certified to be a true copy//

Dated this the th day of 2020.

su.18.11.2020

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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