

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.4680 of 2019
and Application No.177 of 2020

M/s.Cholamandalam Investment and
 Finance Company Limited,
 'Dare House', No.2, N.S.C.Bose Road,
 Parrys, Chennai - 600 001.
 Represented by its Authorised Signatory ... Applicant

Mr.Nageshappa.M
 S/o.Mudukappa,
 Channapura Road,
 Hosahalli,
 Davanagere, Honnali,
 Near Govt.School, Karnataka-577 224. ... Respondent

versus

A.No.177 of 2020:

M/s.Cholamandalam Investment and
 Finance Company Limited,
 'Dare House', No.2, N.S.C.Bose Road,
 Parrys, Chennai - 600 001.
 Represented by its Authorised Signatory ... Applicant

versus

Mr.Nageshappa.M (deceased)

S/o.Mudukappa,

Channapura Road,

Hosahalli,

Davanagere, Honnali,

Near Govt.School, Karnataka-577 224.

...

Respondent

2. Mr.N.Viswanathan,

S/o.Nageshappa,

Channapura Road, Hosahalli,

Davanagere, Honnali,

Near Govt.School,

Karnataka-575 224.

..2nd Respondent/Proposed Party

A.No.177 of 2020:

This application praying that this Hon'ble Court be pleased to bring on record the respondent herein namely Mr.N.Viswanathan as the legal heir of the deceased Sole Respondent and rank her as 2nd Respondent in the above application in A.No.4680 of 2019.

A.No.4680 2019:

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9(ii)(a)(b)(c)(d)&(e) of the Arbitration and Conciliation Act, 1996, to appoint employee of the applicant viz. Mr.Rajanesh, ARM as Receiver to seize and take possession of the vehicle, which is more fully described in the schedule to the Judges Summons, which is lying in the

custody of respondent or his men, agents, servants from his premises or wherever found with Police aid and break open of premises, if necessary.

For Applicant : Mr.N.Santhosh Nagarajan
For Respondent : No Appearance

COMMON ORDER

Application No.4680 of 2019 has been filed to appoint employee of the applicant viz. Mr.Rajanesh, ARM as Receiver to seize and take possession of the vehicle, which is more fully described in the schedule to the Judges Summons, which is lying in the custody of respondent or his men, agents, servants from his premises or wherever found with Police aid and break open of premises, if necessary. Application No.177 of 2020 has been filed to implead and bring on record the second respondent as the legal representative of the deceased sole respondent in Application No.4680 of 2019.

2. The respondent availed of finance facilities pursuant to Loan Agreement No.XTRASHM00002354070 dated 31.03.2018, for a sum of Rs.4,30,536/- towards purchase of a vehicle. On account of defaults in repayment, proceedings for arbitration have been initiated and are pending in Arbitration Case. As of 01.07.2019, the respondent is liable to pay a sum of Rs.5,51,801.73, together with interest.

3. Today, when the matter was called, the learned counsel appearing for the applicant through video conferencing submitted that the sole respondent died and hence, A.No.177 of 2020 has been filed to implead the legal representative of the sole respondent and the Receiver has also appointed by the applicant.

4. In such view of the matter, no further orders is required to be passed in these applications and hence, the same are closed. It is open to the applicant to work out his remedy to implead the legal representatives of the sole respondent for enforcing the award as per law.

Sd/.N.S.K.J.
25.08.2020

//Certified to be a true copy//

Dated this the th day of 2020.

su.03.09.2020

COURT OFFICER(O.S.)

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