

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

A.No.2834 of 2020

M/s.Sundaram Finance Limited,
No.21, Patulous Road, Chennai
rep. by its Senior Manager – Legal,
Mr.S.Sornaraj ... applicant

Vs.

1.Mr.R.Rajivgandhi
2.Mr.K.Radhakrishnan ... respondents

Prayer: Judges summons filed under Order XIV Rule 8 of O.S. Rules R/w Section 9 (ii) (a) (b) & (e) of the Arbitration and Conciliation Act, 1996 to appoint Mr.S.Suresh, the Manager of the applicant's branch at Cuddalore as the receiver to take custody of the Vehicle being 1 No. MAHINDRA KUV 100 CAR bearing Chassis No.MA1VB2NACH6L90388, fitted with Engine No.NAHZK68119 and Registered as TN 91 U 8843, from M/s.Schangalayan Motors Ltd, Villupuram; the respondents or wherever it is found and deliver it to the applicant with liberty to sell and to permit the advocate commissioner to obtain police aid and to break open the premises

within which the said vehicle is lying.

For Applicant : Mr.R.Umashankar

For Respondents : No Appearance

ORDER

This application is filed for appointing a Receiver to seize the vehicle as an interim measure. The applicant has moved this Court after the passing of an award.

2. The respondents though served had not entered appearance. The respondents had committed default in repayment of the dues and to date the vehicle which is the subject matter of the agreement has also not been handed over to the applicant as per agreement. Therefore the applicant has come forward with above application.

3. Considering the fact that the applicant has obtained an award in their favour and the respondents have not complied with the said

arbitral award or filed an application to set aside the award, it is just a necessary that the applicant be permitted to exercise their rights under the agreement. Mr.S.Suresh, the Manager of the applicant's branch at Cuddalore is appointed as Receiver to seize the vehicle covered under the contract. This order shall operate for a period of four (4) weeks from the date of receipt of a copy of this order.

4. The Receiver shall take possession of the Vehicle from the respondent or their agents or any person claiming under him or in whose possession the Vehicle is.

5. The Receiver shall also be provided Police assistance if requested by him, by the Station House Officer of the jurisdictional Police Station in which the vehicle is found.

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6. It is made clear that the order of appointing the Receiver shall be served on the respondent by the applicant before the Receiver takes

any action on the basis of this order. The vehicle shall be sold after due publicity so as to fetch the best price.

7. The Application is ordered accordingly. No costs.

22.12.2020

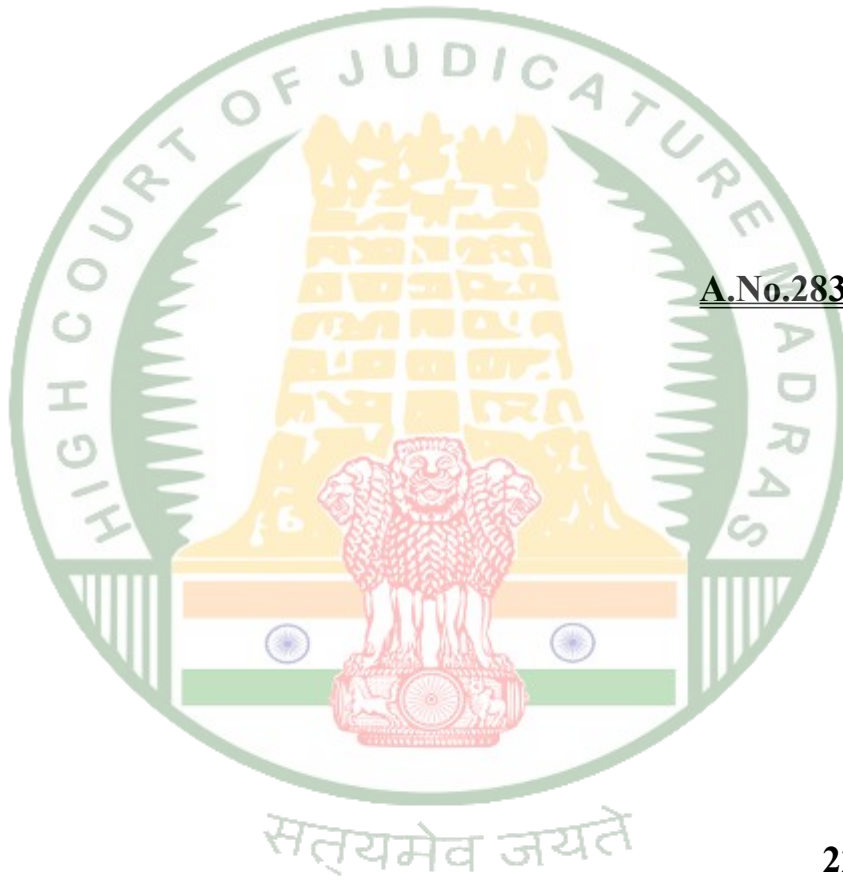
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P.T. ASHA. J.

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