

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.5079 of 2019

In the matter of Arbitration and
Conciliation Act, 1996

And

In the matter of Loan cum
Hypothecation Agreement and
dispute between M/s.TVS Credit
Services Ltd., and Rakesh Kumar
Loan No.UP3038TW0048581 dated
02.01.2019.

TVS CREDIT SERVICES LTD,
NO.29, THIRD FLOOR, JAYALAKSHMI ESTATES,
HADDOWS ROAD, NUNGAMBAKKAM,
CHENNAI, TAMILNADU-600 006,
REPRESENTED BY ITS SENIOR MANAGER LEGAL,
MR.K.N.,TRIVIKRAM.

...Applicant

VERSUS

RAKESH KUMAR,
S/O. VIJAY KUMAR,
JUDAHARDHAN ANSH,
JUDAHARDHAN,
LAND MARK : GOVT. HAND PUMP,
CHANDAVLI - 221 115.

...Respondent

Application praying that this Hon'ble Court be pleased to appoint

a receiver, namely MR.KAPIL VASDEV of the applicant to seize and

deliver the vehicle APACHE ES RTR NEW 160 bearing Registration

No.UP67X5513 Chassis No.MD637AE75J2N00089 Engine

No.AE7LJ22B8436 available at the Respondent's premises or wherever found and permit the receiver namely MR.KAPIL VASDEV of the applicant to obtain police aid and to break open the premises.

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

This application has been filed seeking a direction to appoint the employee of the applicant viz., Mr.Kapil Vasdev, Authorised Agent, as a Receiver to seize the vehicle.

2. When the matter is taken up today, the learned counsel appearing for the applicant submitted that arbitration proceedings has been initiated.

3. Section 9 of the Arbitration and Conciliation Act states that once arbitral tribunal has been constituted, the Court normally shall not entertain any application for interim measures unless the Court finds that circumstances exist which may not render the remedy provided under section 17 efficacious.

4. In such view of the matter, once arbitration is already

initiated, this application is only for interim nature of seizing the vehicle, such application can very well be moved before the Arbitrator.

5. Accordingly, this Court is not inclined to pass any order and the same is closed. It is open to the applicant to approach Arbitral Tribunal under Section 17 of the Act.

Sd/.N.S.K.J
25.09.2020

//Certified to be a true copy//

Dated this the th day of 2020.

SS/20.10.2020

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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