

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.5493 of 2019

M/s.Dalmier Financial Services India Private Limited,
Rep by its Authorised Signatory,
having its Office inter alia at
Unit 202, 2nd Floor, campus, 3B,
RMZ Millennia Business Park,
143, Dr.M.G.R.Road,
Perungudi, Chennai – 600 096. ... Applicant

versus

1. Mr.Melbin Thomas,
Parapurath, Anaviratty, Odackacity,
Koompanpara P.O., Vellaithuval, Iduki,
Kerala – 685 561.

2. Mr.Thankachan P J
Parapurath, Anaviratty, Odackacity,
Koompanpara P.O., Vellaithuval, Iduki,
Kerala – 685 561.

3. Mr.Albin Thomas,
Parapurath House, Thrikkariyoor,
Thankalam, Thrikkariyoor (Part),
Ernakulam, Kerala – 686 692.

... Respondents

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9(ii) (a) (b) & (e) of the Arbitration and Conciliation Act, 1996, to appoint the applicant's employee Mr.Suresh, as receiver to seize and take possession of the Truck which is more fully described in the Judges Summons schedule lying in the custody of the respondent or his men, agents, servants from his premises or wherever found with police assistance and by breaking open the premises if necessary.

For Applicant : Mr.S.Namasivayam
For Respondent : No Appearance

ORDER

This application has been filed for interim measure for appointing a receiver to seize the vehicle.

2. It is the case of the applicant that as per the loan agreement dated 30.09.2016, the respondent has availed a sum of Rs.29,00,000/-. As the respondent committed default, it is the contention of the respondent that unless a receiver is appointed to take charge of the vehicle, there will be irreparable injury and the vehicle will be sold by the other side. Hence, it is prayed for appointment of a receiver.

3. In such view of the matter, if the vehicle is allowed to be sold by the respondent, the very right of the applicant will be defeated.

4. Taking into consideration that the applicant has made out a prima facie case and balance of convenience is in favour of the applicant, Mr.Suresh, the employee of the applicant company is appointed as a receiver to seize the vehicle covered under the contract. This Order shall operate only for a period of six

weeks from the date of receipt of a copy of this Order.

5. The receiver will be entitled to take possession of the vehicle from the respondent or his agents or any one in possession thereof. If necessary, the Receiver shall get police assistance and the Station House Officer of the concerned Police Station, within whose jurisdiction the vehicle is found, will render requisite assistance for this purpose.

6. This Order of appointment shall be served on the respondent by the applicant before the receiver takes any action on the basis of this Order.

7. Accordingly, this application is closed.

05.08.2020

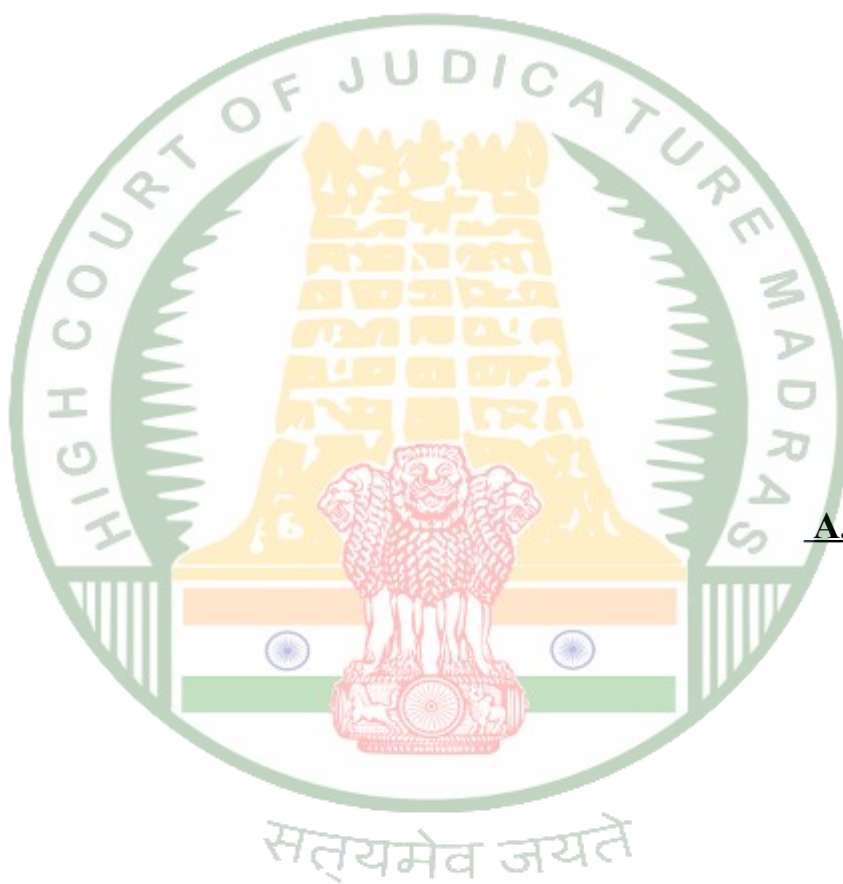
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N.SATHISH KUMAR, J.

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