

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.6072 of 2019

M/s.IDFC First Bank Limited,
 Earlier known as M/s.Capital First Limited
 Rep.by its authorised signatory
 Mr.Rajasekar Anandan
 Amarasi Building,
 No.445, Anna Salai,
 Teynampet, Chennai 600 018.

... Applicant

Versus

P.Magesh
 No.18, School street, Thandurai,
 Pattabiram, Tiruvallur,
 Chennai - 600 072

... Respondent

PRAYER: Application filed under Order XIV Rule 8 of original side rules r/w.SEC 9(ii)(b) of the Arbitration and Conciliation Act, 1996, to pass an order of appointment of an Advocate Commissioner as receiver to seize the vehicle more particularly described in the schedule to the Judges summons wherever station in the premises of the respondent or wherever found and with whomsoever it is found with powers to breakdown the premises and grant permission to the receiver to obtain police aid from the concerned police officer.

For Applicant : No appearance

ORDER

This application has been filed to pass an order of appointment of an

Advocate Commissioner as receiver to seize the vehicle more particularly described in the schedule to the Judges summons wherever station in the

premises of the respondent or wherever found and with whomsoever it is found with powers to breakdown the premises and grant permission to the receiver to obtain police aid from the concerned police officer.

2. Today when the matter is taken up for consideration there is no representation on behalf of the applicant and even on earlier occasion there was no representation. This application has been filed to appoint Advocate Commissioner as receiver to seize the vehicle and the Advocate Commissioner was also appointed. The learned counsel for the applicant has failed to intimate to this Court whether arbitration proceedings has been commenced or not. Without showing the manifest intention to arbitrate the matter and serve the reports to this Court regarding the nature of proceedings initiated under the Arbitration and Conciliation Act, Section 9 application has been kept pending. Therefore this Court is of the view that Section 9 application cannot be kept pending.

3. In view of the above fact, this application is dismissed for default.

Sd/.N.S.K.J.
15.07.2020

//Certified to be a true copy//

Dated this the th day of 2020.

su.09.10.2020

COURT OFFICER(O.S.)

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