

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.6219 of 2019

HDB Financial Services Ltd.,
Registered office at Radhika, 2nd Floor,
Law Garden Road, Navrangpura, Ahmedabad 380 009 and
also having office at No.68/2, Loyal Towers, 4th floor,
Greens Road, Chennai 600 006.
rep. by its authorized signatory Mr.Godson Vinokaran
Applicant

...

Vs.

1.M/s Seven H Logistics Pvt Ltd
Rep by its authorized Signatory Abhishek Vijayakumar,
Bangalore, Karnataka

2.Abhishek Vijayakumar ... Respondents

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9(ii) (d) of the Arbitration and Conciliation Act, 1996, to appoint an Advocate Commissioner to seize and deliver the subject schedule property, more fully described in the schedule to the Judges Summons from the premises of the respondents or where ever found with police aid and break open of premises, if necessary.

For Applicant : Mr.H.Mohamed Ismail

ORDER

This application has been filed seeking a direction to appoint an Advocate Commissioner to seize and deliver the subject schedule property.

2. When the matter is taken up today, the learned counsel appearing for the applicant submitted that arbitration proceedings has been initiated and the same is pending and sought for appointment of the receiver to seize the vehicle.

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. This application has been filed for appointment of a receiver to seize the vehicle. The arbitral tribunal itself can pass such an Order. Further, as the applicant has not complied the Order passed

by this court and batta has not been filed from the very beginning, this Court is not inclined to pass any Orders in this application and it is open to the applicant to work out his remedy before the arbitral tribunal.

5. With the above observation, this application is closed.

31.08.2020

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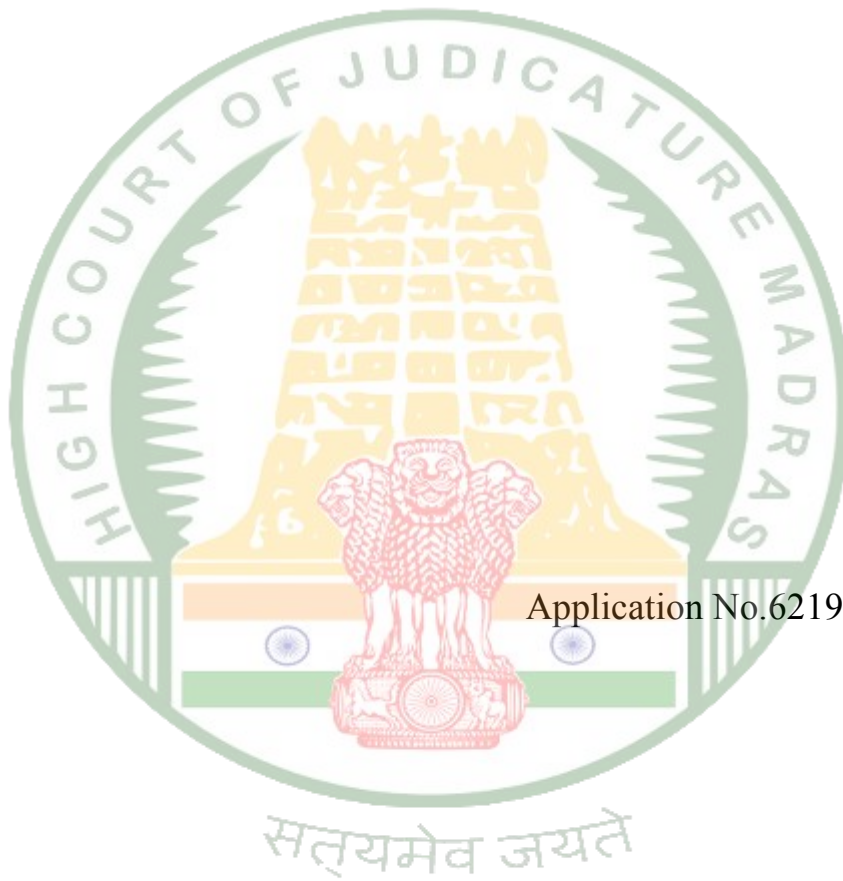


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