

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.6362 of 2019

M/s. Cholanmandalam Investment and
Finance Company Limited.,
“Dare House”, No.2, N.S.C.Bose Road,
Parrys, Chennai – 600 001.
Represented by its Authorised Signatory.

... Applicant

Versus

1. Mr.Rajesh R (Borrower)
Kizhakke Kurakkasseril Kappilmekku
Krishnapuram P.O,
Karthikapally, Alappuzha,
Kerala – 690 583.
Ph No.9567836377.

2. Mrs. Saraswathy R (Co-Borrower),
Kizhakke Kurakkasseril Kappilmekku
Krishnapuram P.O,
Karthikapally, Alappuzha,
Kerala – 690 583.
Ph No.91420 41574

... Respondents

PRAYER: Application filed under Order XIV Rule 8 of original side rules
r/w.SEC 9(ii)(e) of the Arbitration and Conciliation Act, 1996, to appoint to
appoint employee of the Applicant Viz. Mr.Amjesh P, Sr. Legal Executive as
Receiver to seize and take possession of the vehicle, which is more fully described
in the schedule to the Judges Summons which is lying in the custody of

respondent or his men, agents, servants from her premises or wherever found with Police aid and break open of premises if necessary.

For Applicant : Mr.V.Samuthira Vijayan
for R.Thivitta Kumar

For Respondents : 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 28.04.2018, the respondents have availed a sum of Rs.2,20,000/-. As the respondents committed default, it is the contention of the respondents 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 respondents, 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.Amjesh P, Sr. Legal Executive 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 respondents or their 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 respondents by the applicant before the receiver takes any action on the basis of this Order.

7. Accordingly, this application is closed.

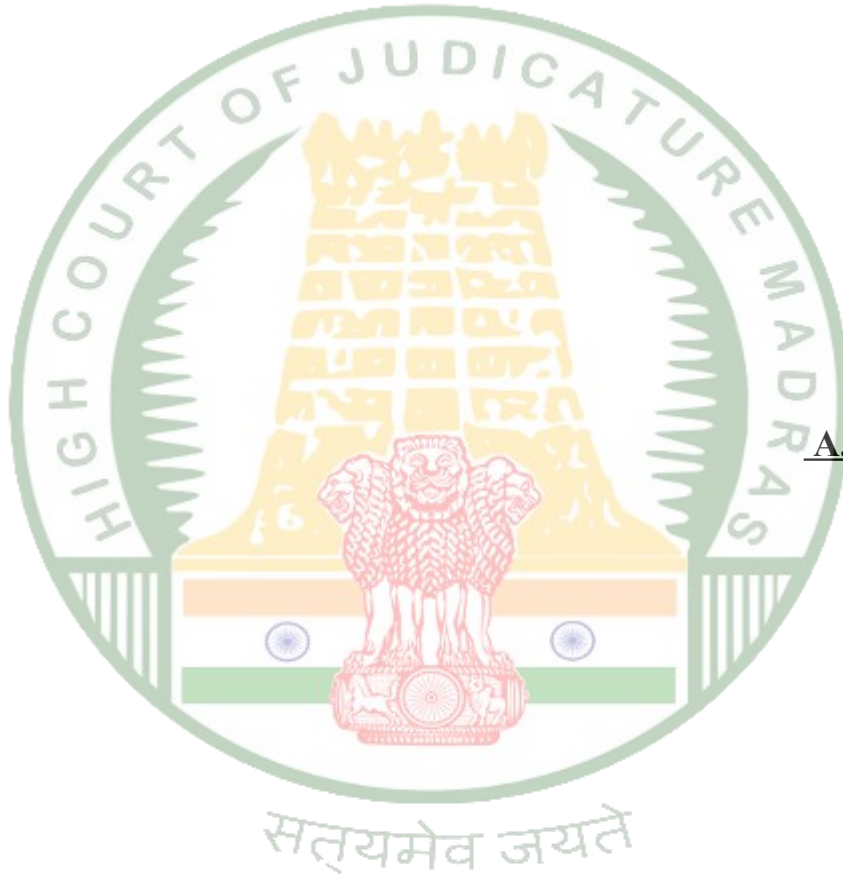
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N.SATHISH KUMAR, J.

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