



A.No.6479 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.6479 of 2019

M/s.Choolamandalam Investment & Finance Co. Ltd.,
Represented by its Authorised Signatory,
“Parry House”, No.2, N.S.C. Bose Road,
Parrys, Chennai – 1.

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Applicant

versus

1. Mr.Akhilesh Pandey (Borrower),
944, New Shiv Mandir,
Rajendra Nagar, Bashratpur,
Gorakhpur, Uttar Pradesh – 273 004.

2. Mrs.Shail Pandel (Co-borrower)
Mr.Akhilesh Pandey,
Patara, Pipraich, Gorakhpur,
Uttar Pradesh – 273 152.

3. Mr.Om Prakash Pandey (Guarantor)
L-140, Mahewa Mirjapur, Tranpur Nagar,
Gorakhpur, Uttar Pradesh – 273 016.

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Respondents

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9 (ii) (e) of the Arbitration and Conciliation Act, 1996, to appoint Mr.Ramakant Tiwari, BRM as an agent of the applicant company as a receiver to seize and take possession of the subject schedule vehicle morefully



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described in the schedule to the Judges Summons from the premises of the respondent or wherever found with police aid and break open of premises if necessary.

For Applicant : Mr.Samudhra Vijayan
Mr.R.Thivitta Kumar

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 31.08.2018, the respondent has availed a sum of Rs.4,00,000/-. As the respondent committed default, it is the contention of the applicant 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



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facie case and balance of convenience is in favour of the applicant, Mr.Ramakant Tiwari, BRM 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 three 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.

03.09.2020

vrc



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N.SATHISH KUMAR, J.

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