

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.6476 of 2019

Daimler Financial Services India Pvt Ltd.,
Unit 202, Second Floor, Campus 3B,
RMZ Millennia Business Park,
143, Dr.MGR Road, Prungudi,
Chennai – 600 096, India.

Rep by its Chief Manager Mr.Shaik Shavali.

... Applicant

Versus

Abdul Farid,
27-27, Amber Colony,
Delhi Road,
Kunda, Amer Jaipur,
Jaipur – 302 013
Rajasthan.

सत्यमेव जयते

... Respondent

PRAYER: Application filed under Order XIV Rule 8 of original side rules r/w.SEC 9(ii)(d) & (e) of the Arbitration and Conciliation Act, 1996, to appoint a receiver namely Mr.Kalu Ram of the applicant to seize and deliver the vehicle New Mercedes -Benz C-220CDI Avantgarde

vehicle bearing Reg.No.RJ45CD4786 Chassis No.WDD2050026L024990, Engine No.65192133963866 available at the respondent's premises or wherever found and permit the receiver namely Mr.Kalu Ram of the applicant to obtain police aid and to break open the premises.

For Applicant : Mr.M.Arunachalam

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 14.09.2017, the respondent has availed a sum of Rs.37,98,589/-. 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 facie case and balance of convenience is in favour of the applicant, Mr.Kalu Ram, Authorized Agent 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.

N.SATHISH KUMAR, J.

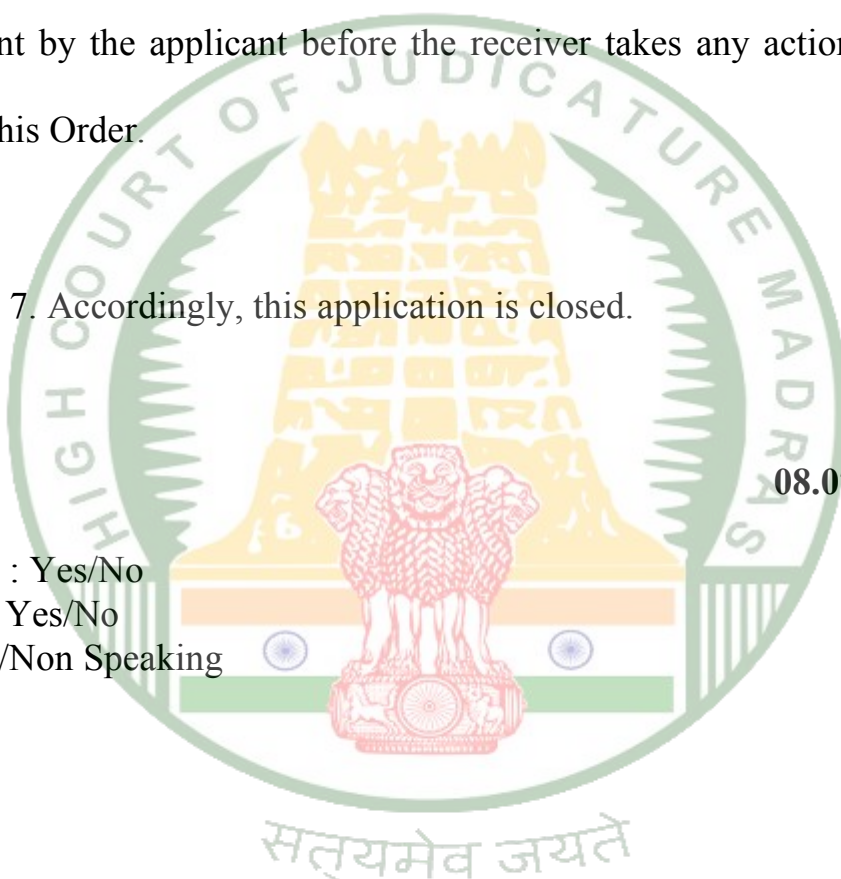
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6. This Order of appointment shall be served on the respondent by the applicant before the receiver takes any action on the basis of this Order.

7. Accordingly, this application is closed.

08.07.2020

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking
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