

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.6615 of 2019

M/s.TVS Credit Services Ltd.,
No.29, Third Floor, Jayalakshmi Estates,
Haddows Rd, Nungambakkam, Chennai,
Tamil Nadu – 600 006.

Rep. by its Senior Manager Legal,
Mr.C.Venkatesh

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Applicant

versus

Mr.Hazira S, S/o.SAIF Ahamad,
No.1-32B, Bharani Kere House,
Banktval Taluk, Mani D K,
Near Mani High School,
Dakshina Kannada, Bantval,
Karnataka – 574 253.

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respondent

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 a receiver namely Arun Kumar T, of the applicant to seize and deliver the vehicle Maruti Suzuki Ritz VDI BS IV Diesel 2013 bearing Registration No.KA21N4806, Chasis No.MA3FDEB1S00448474, Engine No.D13A21236662 available at the respondent's premises or wherever found and permit the receiver namely Arun Kumar T of the applicant to obtain police aid and to break open the premises.

For Applicant : Mr.M.Arunachalam

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 29.03.2018, the respondent has availed a sum of Rs.3,54,250/-. 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.Arunkumar T 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.

सत्यमेव जयते

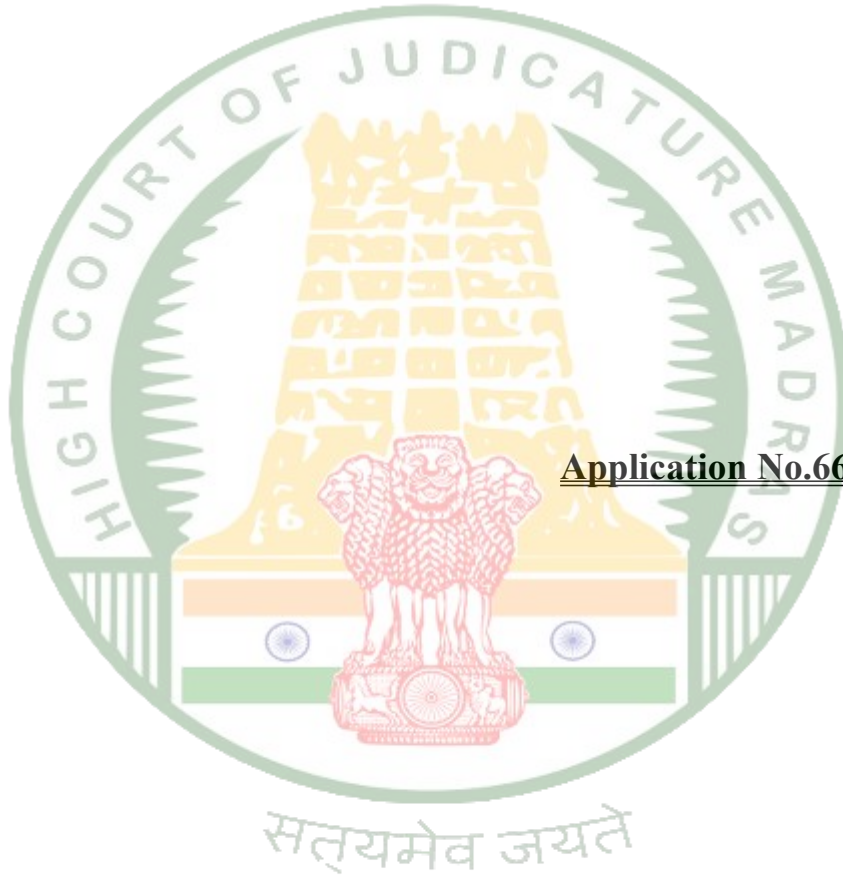
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N.SATHISH KUMAR, J.

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