

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.6747 of 2019

M/s.Shriram Transport Finance Co. Limited,
represented by its Authorised Signatory
and Executive Mr.S.Varadhan,
S/o. Mr.P.M.Seethapathy,
having its registered office at
Mookambika Complex, III Floor,
No.4, Lady Desika Road,
Mylapore, Chennai-600 004. ... Applicant

Vs.

1. Mrs.Geetha,
No.4/194-E, 38th Street,
SIDCO Nagar, 3rd Block,
Villivakkam, Chennai-600 049.

2. Mr. M.Kannabiran,
No.807, Church Street,
87th Street,
Veppambattu – 602 024.

... Respondents

PRAYER : Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9(ii) (b) and (e) of the Arbitration and Conciliation Act, 1996, praying to appoint an Advocate Commissioner with direction to seize the schedule mentioned equipment, which is lying under the custody of the respondents or her/his men, agents, servants or anyone claiming under them from the premises of 1st respondent at No.4/194-E, 38th Street, SIDCO Nagar, 3rd Block, Villivakkam, Chennai-600 049, or at any other place where the scheduled asset is found, with the police aid and by breaking open locks if necessary and to take the same into his/her custody and sell the same at fair market price.

For Applicant : Mr. R.S.Krishnaswamy

ORDER

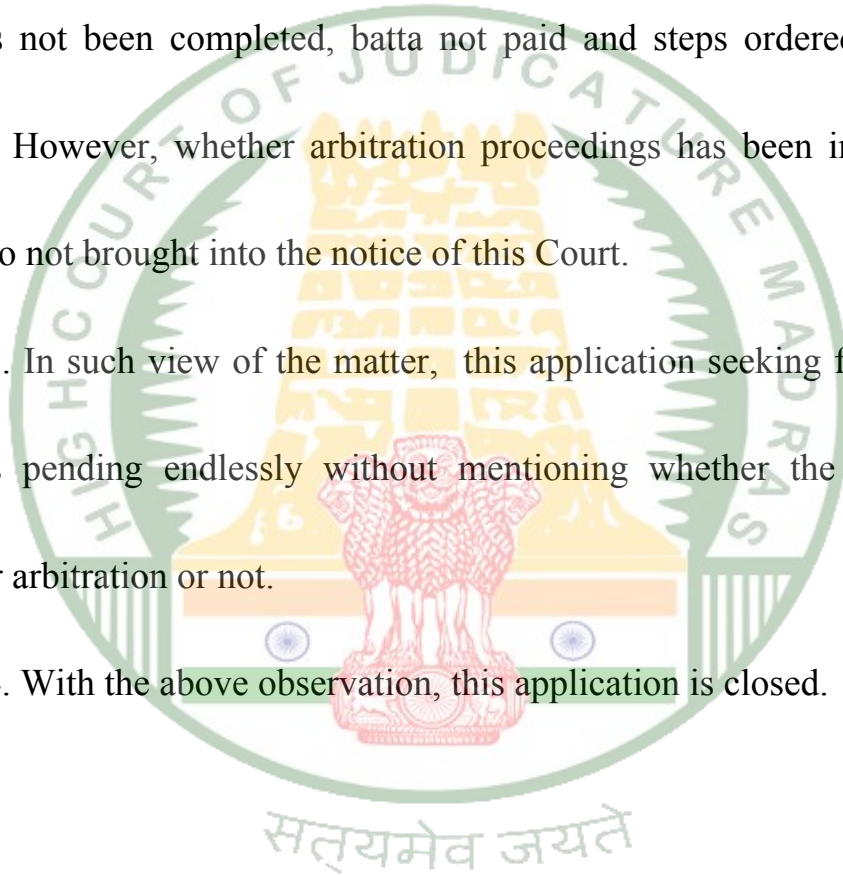
This application has been filed praying to appoint an Advocate Commissioner with direction to seize the schedule mentioned equipment, which is lying under the custody of the respondents or her/his men, agents, servants or anyone claiming under them from the premises of 1st respondent at No.4/194-E, 38th Street, SIDCO Nagar, 3rd Block, Villivakkam, Chennai-600 049, or at any other place where the scheduled asset is found, with the

police aid and by breaking open locks if necessary and to take the same into his/her custody and sell the same at fair market price.

2. The interim application has been filed in the year 2019. So far, service has not been completed, batta not paid and steps ordered also not completed. However, whether arbitration proceedings has been initiated or not was also not brought into the notice of this Court.

3. In such view of the matter, this application seeking for interim measure is pending endlessly without mentioning whether the matter is referred for arbitration or not.

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



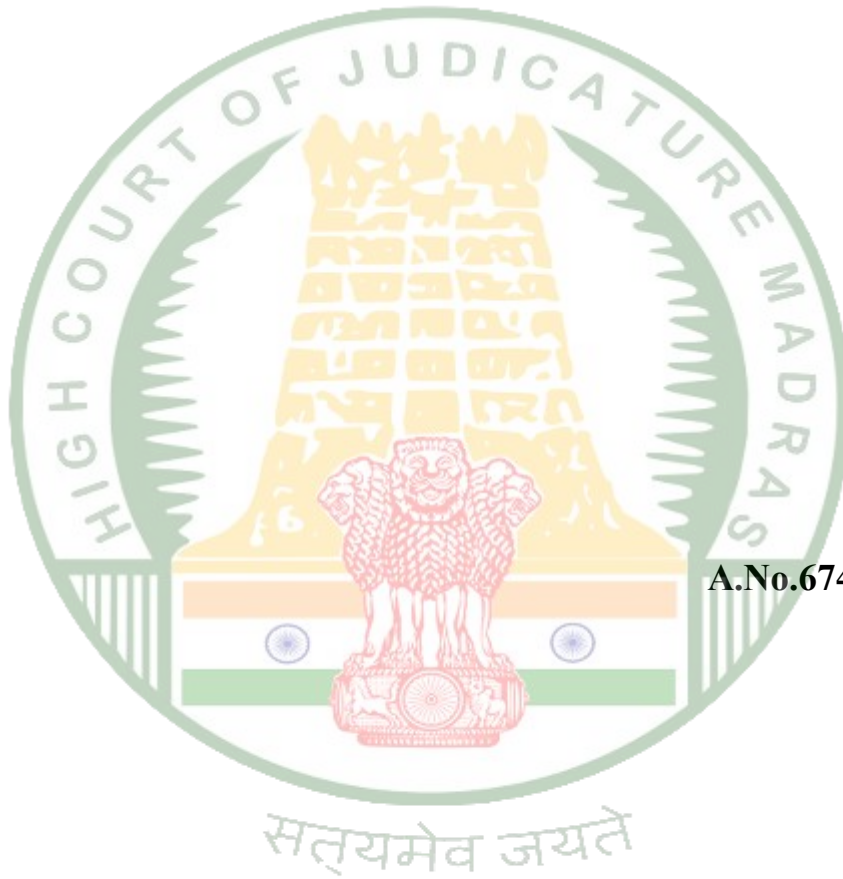
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N.SATHISH KUMAR, J.

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