

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.7042 of 2019

Daimler Financial Services India Pvt Ltd.,
Unit 201, 2nd Floor, Campurs 3B,
RMZ Millennia Business Park,
143, Dr.MGR Road, Perungudi,
Chennai – 600 096, India,
Rep. By its Chief Manager M.Shaikshavali ... Applicant

versus

1. Rthinasamy K (Borrower)
2/197, Muthugoundan Nandavanam Palayam,
Dharapuram Tirupur 638 701 Tamil Nadu.
2. Maheswaran K (Guarantor)
2/197, Muthugoundan Nandavanam Palayam,
Dharapuram Tirupur 638 701 Tamil Nadu. Respondents

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 Mr.Yogavinayaka Murthy Authorised Agent of the applicant as Receiver to seize and take possession of the vehicle, which is more fully described in the schedule to the Judges Summons from the premises of the respondents or where ever found with police aid and break open of premises, if necessary.

For Applicant : Mr.H.Mohamed Ismail

ORDER

This application has been filed seeking a direction to appoint the employee of the applicant viz. Mr.Yogavinayaka Murthy , Authorised Agent, as a Receiver to seize the vehicle.

2. When the matter is taken up today, the learned counsel appearing for the applicant submitted that arbitration proceedings has been initiated and the same is pending and sought for appointment of the receiver to seize the vehicle.

3. Section 9 of the Arbitration and Conciliation Act states that once arbitral tribunal has been constituted, the Court normally shall not entertain any application for interim measures unless the Court finds that circumstances exist which may not render the remedy provided under section 17 efficacious.

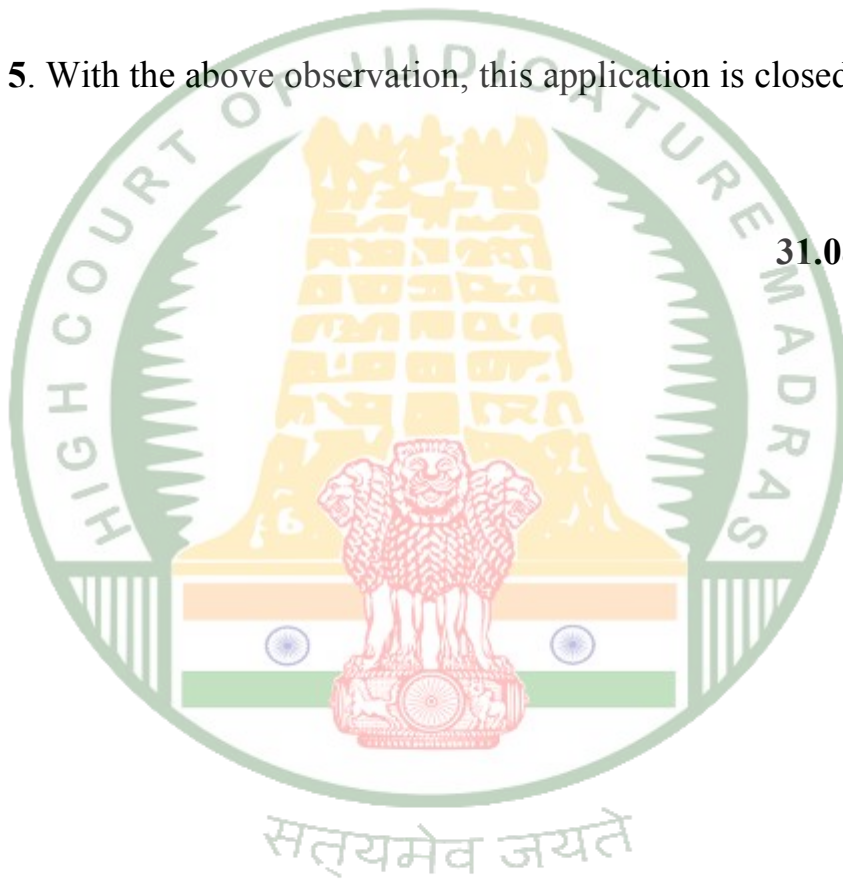
4. This application has been filed for appointment of a receiver to seize the vehicle. The arbitral tribunal itself can pass such an Order. Further, as the applicant has not complied the Order passed by this court and batta has

not been filed from the very beginning, this Court is not inclined to pass any Orders in this application and it is open to the applicant to work out his remedy before the arbitral tribunal.

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

31.08.2020

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N.SATHISH KUMAR, J.

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