

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26/8/2020

C O R A M

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Application No.7088 of 2019

Daimler Financial Services India Pvt Ltd
rep. By its Chief Manager
Mr.ShaikShavali

Applicant

Vs

M/s. Shree Jee Traders
rep. By its Partner
Mr.Animesh Kumar Gupta.

Respondent

Application filed under Order XIV Rule 8 of Original Side Rules,
r/w. Section 9 (ii) (d) & (e) of the Arbitration and Conciliation Act,
1996.

For applicant

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Mr.M.Arunachalam

ORDER

Instant application has been filed to appoint a Receiver namely
Mr.Nitin Sharma of the applicant to seize and deliver the vehicle New

Mercedes Benz C-220CD1 Avantgarde Passenger Car Vehicle bearing Chassis No.WDD2050026L019154, Engine No.65192133619681 available at the respondent's premises or wherever found and permit the receiver namely Mr.Nitin Sharma of the applicant to obtain Police aid and break open of premises, if necessary.

2. It is the case of the applicant that as per the loan agreement dated 30/1/2017, the respondent had availed a sum of Rs.25,00,000/-. 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 facie case and balance of convenience is in favour of the

applicant, Mr.Nitin Sharma 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 respondents or their 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.

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mvs.

N.SATHISH KUMAR,J

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