

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.7115 of 2019

M/s.Cholamandalam Investment & Finance Co. Ltd.,
Represented by its Authorised Signatory,
“Parry House”, No.2, N.S.C. Bose Road,
Parrys, Chennai – 1. ... Applicant

Vs.

Sreerag.K.C.,
Muttill Post,
Muttill, Waynad District – 673 122. ... Respondent

Prayer: Application filed under Order XIV, Rule 8 of O.S.Rules r/w Section 9(2) (a) (b) (c) (d) & (e) of the Arbitration and Conciliation Act, 1996 to appoint the employee of the applicant Viz., Mr.Sumesh Joseph, Legal Executive to seize and take possession of the vehicle which is morefully described in the schedule to the Judges Summons which is lying in the custody of respondents, men, servants, agents from his premises at Muttill Post, Muttill, Wayanad District – 673122, or wherever found with the police aid and break open of premises if necessary.

For Applicant : Mr. S. Shahul Hameed
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 30.06.2018, the respondent has availed a sum of Rs.6,98,470/-. As the respondent committed default, it is the contention of the respondent 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. Sumesh Joseph, Legal Executive 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.

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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