

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 24TH DAY OF SEPTEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.7513 of 2019

In the matter of Arbitration and
Conciliation Act, 1996

And

In the matter of – Arbitration of
dispute between – M/S.Shriram
City Union Finance Limited – and –
Mr. Rafeeqe Ahmed.V – Loan
Agreement

ABUR2TF1607290001;
30.07.2016

No:
dated

M/S.SHRIRAM CITY UNION FINANC LIMITED
HAVING ITS BRANCH OFFICE AT
NO.12, RAMASAMY STREET,
T.NAGAR, CHENNAI-600 017.
REP.BY ITS AUTHORISED SIGNATORY,
MRS.E.RAMYA

....Applicant

VERSUS

1.MR.V.RAFEEQUE AHMED,
S/O.MR.AHMED BASHA,
OLD NO.21/B, NEW NO.14/22, NEELIKOLLA OTHAVADAI,
1st STREET, AMBUR, VANIYAMBADI, TAMILNADU-635 802.

Also at: MR. V. RAFEEQUE AHMED,
S/O.MR.AHMED BASHA,
NO.49/A, OOMER ROAD, INSIDE KOTTAI BUNGLOW,
MADANUR BLOCK, AMBUR, VANIYAMPADI,
TAMIL NADU-635 802.

2. MR.AHMED BASHA,
S/O.MR.ABDUL RAZACK,
OLD NO. 21/B, NEW NO.14/22,NELLIKOLLA OTHAVADAI,
1st STREET, AMBUR, VANIYAMBADI,
TAMILNADU-635 802.

Also at: MR.AHMED BASHA,
S/O.MR.ABDUL RAZACK,
NO.21, WARD – A, BLOCK NO. 8, MC ROAD,
ENGINEER NAGAR, AMBUR CITY,
VELLORE DISTRICT,
TAMIL NADU – 635 802.

...Respondents

Application praying that this Hon'ble Court be pleased to appoint a receiver to administer the property of the second respondent more fully described in the Schedule to the Judges summons pending disposal of the Arbitration Proceedings and enforcement of the award.

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed for appointment of Receiver to manage the properties.

2. There is no representation for the learned counsel for the applicant.

3. It is from the averments of the applicant, it appears that already simple mortgage is executed in favour of the applicant and the allegations found in the application is vague in nature except stating that the respondents has committed an act of waste. No further details whatsoever stated by the applicant for appointment of receiver.

4. Further, the Mortgage Deed also indicate that the mortgagor further empowered the mortgagee to take action to sell the property as against the mortgagor. In such view of the matter, without any further details and merely on vague allegations, this Court cannot appoint a Receiver. Further to appoint a receiver, the condition set out under Order 40 of Civil Procedure Code are to be observed. Admittedly, arbitration is also commenced and pending.

5. In view of the above, this Court is not inclined to appoint Receiver in this application. Accordingly, this application is dismissed.

Sd/.N.S.K.J
24.09.2020

//Certified to be a true copy//

Dated this the th day of 2020.

SS/20.10.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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