

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.7556 of 2019

Daimler Financial Services India Pvt. Ltd.,
Unit 201, 2nd Floor, Campus 3B,
RMZ Millennia Business Park,
143, Dr. MGR Road, Perungudi,
Chennai – 600 096.
Rep.by its Chief Manager,
Shaik Shavali

... Applicant

Vs.

1.Julfi Ahamad (Borrower)

2.Mahaboob Pasha (Guarantor)

... Respondents

Prayer: Application filed under Order XIV, Rule 8 of O.S.Rules r/w Section 9(ii) (e) of the Arbitration and Conciliation Act, 1996 to appoint Mr. Manjunath, Authorised Agent of the applicant as a receiver to seize and take possession of the subject schedule vehicle more fully described in the Schedule of the Judge's Summons from the premises of the respondents or wherever found with police aid and break open of premises if necessary.

For Applicant : Mr. H. Mohamed Ismail Eirene Bernadetta

ORDER

This application has been filed seeking a direction to appoint the employee of the applicant viz., Mr.Manjunath, 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.

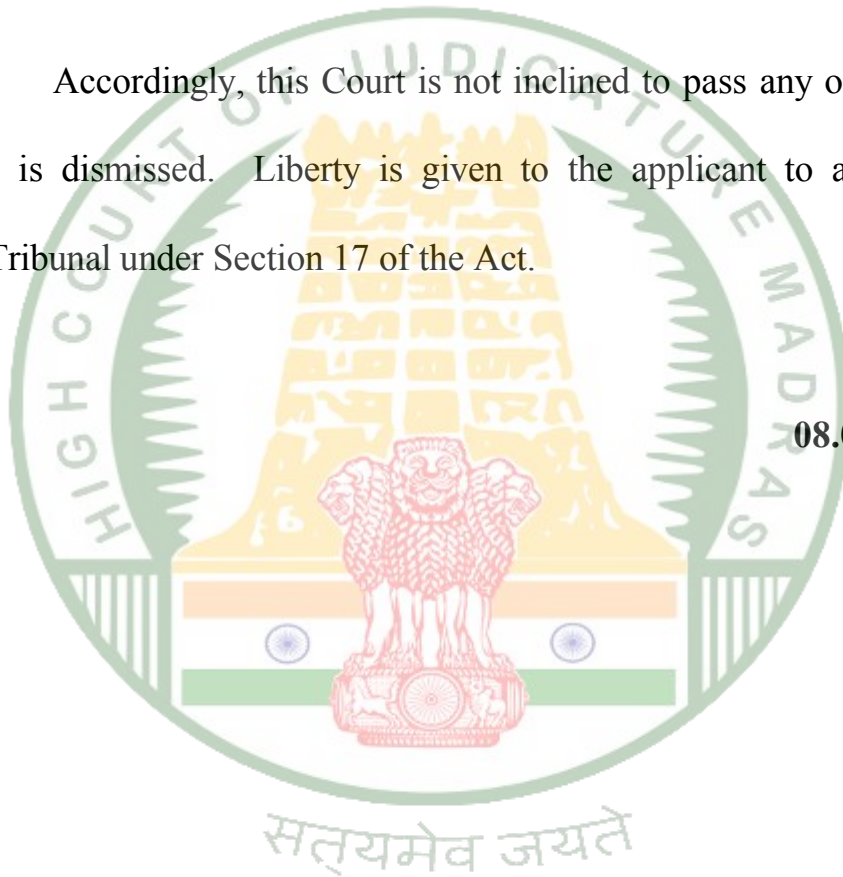
3. Section 9 of the Arbitration and Conciliation Act states that once arbitral tribunal has been constituted, the Court normally shall not entertain any application for interim measures unless the Court finds that circumstances exist which may not render the remedy provided under section 17 efficacious.

4. In such view of the matter, once arbitration is already initiated, this application is only for interim nature of seizing the vehicle, such application can very well be moved before the Arbitrator.

5. Accordingly, this Court is not inclined to pass any order and the same is dismissed. Liberty is given to the applicant to approach Arbitral Tribunal under Section 17 of the Act.

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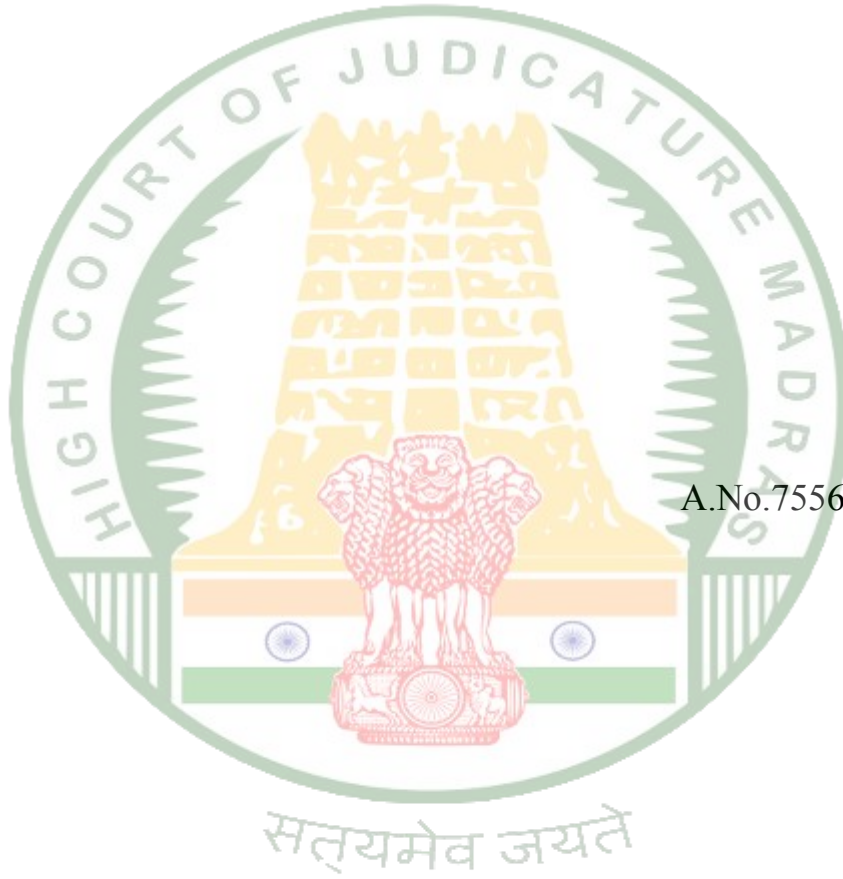


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