

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Application No.7743 of 2019

M/s.Daimler Financial Services
India Private Limited,
Unit 201, 2nd Floor, Campus 3B,
RMZ Millennia Business Park,
No.143, Dr.M.G.R.Road,
Perungudi, Chennai-600 096.
Rep.by its Authorised Signatory

... Applicant

Vs.

M/s.Koshal Carrier,
Rep. by its partner
Gumadera, Belpahar,
Near Jagannath Temple, Jharsuguda,
Orissa-768 218.

... Respondent

PRAYER: Application filed under Order XIV Rule 8 of Original Side Rules R/W Section 9(ii)(a)(b)(d)&(e) of the Arbitration and Conciliation Act, 1996 to appoint the authorized agent of the Applicant viz. Mr.Pravash

Chandra Swain as Receiver to seize and take possession of the vehicle which is more fully described in the Judges summons which is lying in the custody of Respondent or respondents agents, servants from respondent premises or wherever found with police assistance and by breaking open the premises if necessary.

For Applicant : Mr.D.Pradeep Kumar

For Respondent :

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 30.09.2015, the respondent has availed a sum of Rs.29,11,105/-. 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.Pravash Chandra Swain, as a receiver to seize the vehicle covered under the contract. This Order shall operate only for a period of four 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.

N.SATHISH KUMAR, J.

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7. Accordingly, this application is closed.

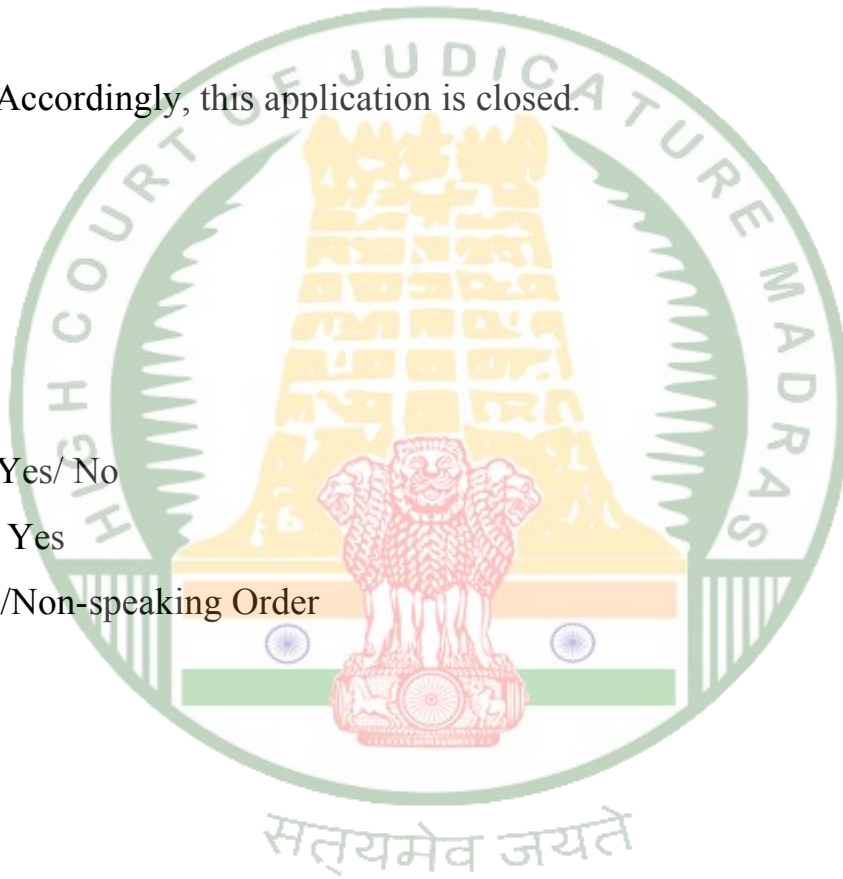
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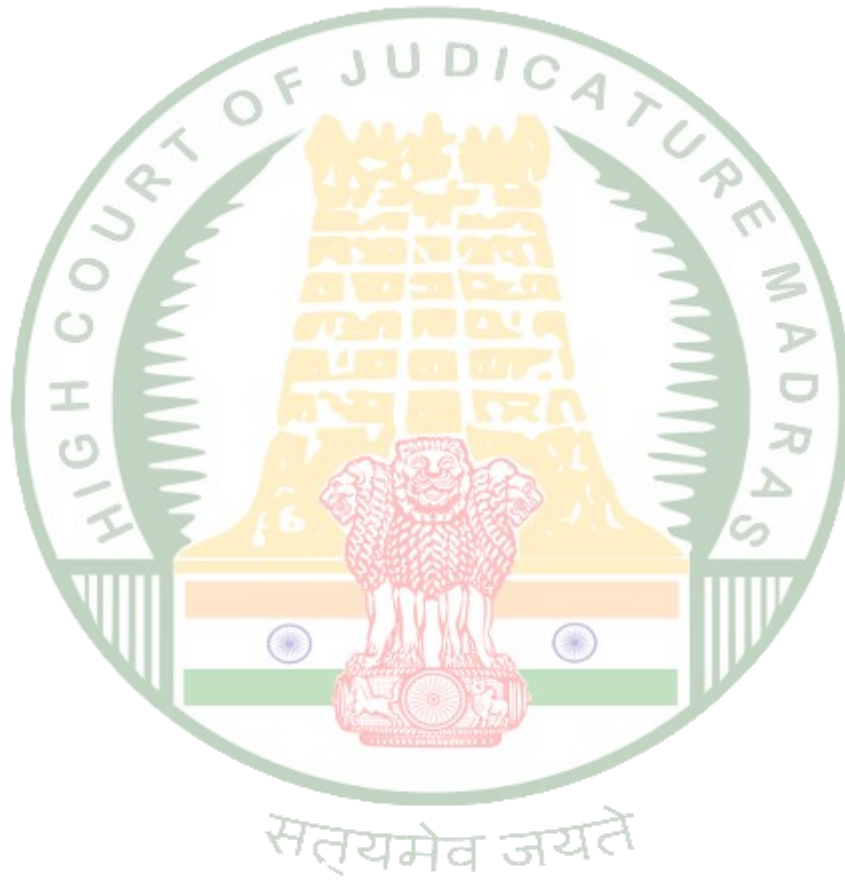
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Speaking/Non-speaking Order



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A.No.7743 of 2019



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