

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.8116 of 2019

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

Vs.

Mohan Singh ... Respondent

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9(ii) (a) (b) (c) (d) & (e) of the Arbitration and Conciliation Act, 1996, to appoint the employee of the applicant viz., Mr.P.Amjesh, Senior Executive Legal, to seize and take possession of the vehicle which is more fully described in the schedule to the Judges Summons which is lying in the custody of respondents, men, servants, agents, from his premises at Thazhayil Vadakke Kara, Chittar P.O., Manakkayam, Patanamthitta District, Kerala – 689 663 or wherever found with the police aid and break open of premises if necessary.

For Applicant : Ms. L.F.Shika

ORDER

This application has been filed seeking a direction to appoint the employee of the applicant viz. Mr.P.Amjesh, Senior Executive Legal, 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 and the same is pending and sought for appointment of the receiver to seize the vehicle.

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.

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4. This application has been filed for appointment of a receiver to seize the vehicle. The arbitral tribunal itself can pass such an Order. Further, as the applicant has not complied the Order passed by this court and batta has not been filed from the very beginning, this Court is not inclined to pass any Orders in this application and it is open to the applicant to work out his remedy before the arbitral tribunal.

5. With the above observation, this application is closed.

08.09.2020

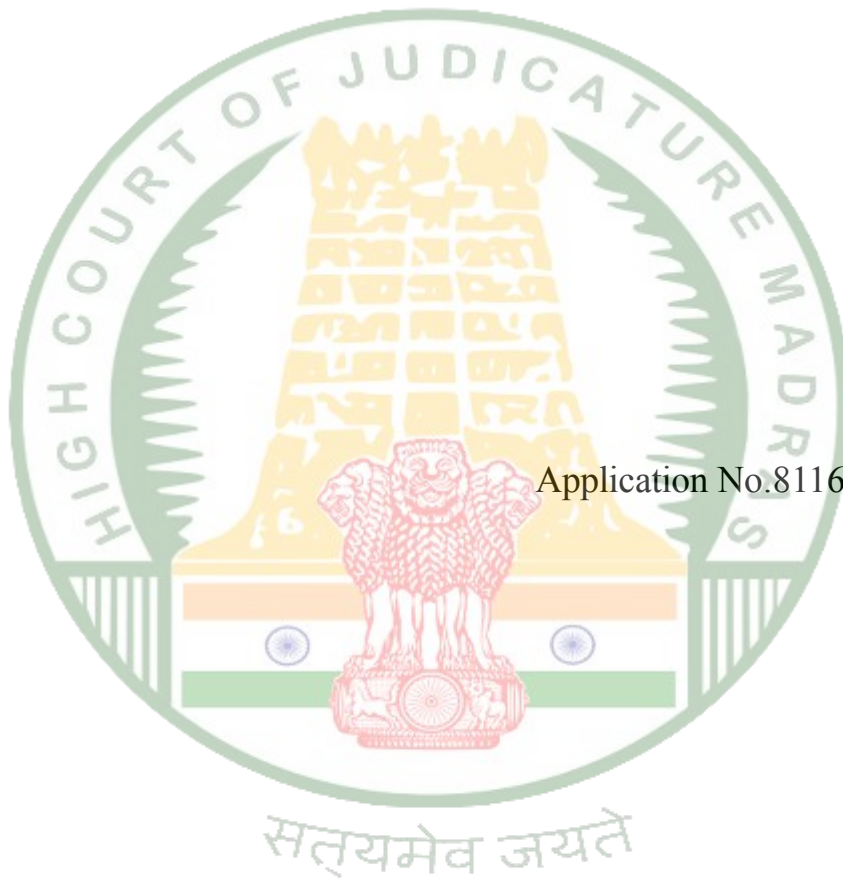
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N.SATHISH KUMAR, J.

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