

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3/9/2020

C O R A M

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Application No.8334 of 2017

M/s.Shriram City Union Finance Limited
having its Registered office at
rep by its Authorized Signatory
Mr.P.Nawin
123, Angappa Naicken Street ,
Chennai.

Applicant

Vs

1. Dr.S. Prabakaran
Son of Mr.Selvaraj,

2.Mrs.Sarojini,
Wife of Mr.Selvaraj,
Both at No.27/2214, Kuppusamy Layout,
Trichy Main Road, Valudureddi,
Villuppuram -605 401.

Respondents

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Application filed under XIV Rule 8 of Original Side Rules, 1956 r/w.

Section 9 (ii) (c) (d) and (e) of the Arbitration and Conciliation Act, 1996.

For applicant

...

No appearance

ORDER

Instant application has been filed to appoint a Receiver to administer the property of the second respondent more fully described in the Schedule to the Judge's Summons pending initiation disposal of the Arbitration proceeding and enforcement of the award.

2. When the matter is taken up for hearing through Video Conferencing, there is no representation on behalf of the applicant.

3. From the materials available on record, it could be seen that vide order, dated 6/4/2018, this Court had appointed Mr.P.Ganesan, Officer – Legal, as Receiver. Award has been passed on 18/8/2018. Post award measures can be ordered before the enforcement of Section 36 of the Arbitration and Conciliation Act.

4. Instead of enforcing the award, the applicant seeks to execute the award by way of an interim application in I.A.No.3997 of 2019, before this Court. Unfortunately, this Court vide, order, dated 3/7/2019, has allowed the application to the effect that Receiver could not execute his warrant of this Court, as there was no direction for seeking police protection. Such an

averments made in the application makes it clear that properties have already been mortgaged. Moreover, instant application is pending from the year 2017.

5. In such a view of the matter, question of appointing Receiver to realise the amount without enforcing the amount as per law is not according to law. Hence the instant application is closed. It is open to the applicant to enforce the award as per law.

Sd/.N.S.K.J.
03.09.2020

//Certified to be a true copy//
Dated this the th day of 2020.

su.03.11.2020

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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