

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.8271 of 2019

M/s.IndusInd Bank Ltd.,
Rep. by its Manager-Legal,
A. Ganesh Kumar,
Having Office at No.115 & 116,
G.N.Chetty Road, T.Nagar,
Chennai - 600 017.

...

Applicant

versus

H.Devarajan,
S/o.Harikrishnan
No.15, Mayura Enclave 1st Floor,
Revathy Nagar 1st Street,
Puthagaram, Kolathur,
Chennai-600 009

...

Respondent

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9(2)(a)(b)(d)&(E) of the Arbitration and Conciliation Act, 1996, to pass an order of appointment of Advocate Commissioner to seize and deliver the Car, Maruti New Alto 800 LXI BSIV Anniversary bearing Chassis No.MA3EUA61S00746027, Engine No.F8DN5520267 and TN 05 BD 1279 to the custody of the applicant, available at the respondent's premises or wherever found and with whomsoever it is found and permit the Advocate Commissioner to obtain Police aid and to break open the premises.

For Applicant

: No Appearance

ORDER

This application has been filed in the year 2019 for an interim relief to seize the vehicle.

2. Today, when the matter was called, there is no representation on behalf of the applicant. Though the application is pending from the year 2019, service to the respondent is complete. Despite several adjournments were granted to the applicant for taking paper publication, no paper publication was effected. Further, the applicant is not able to bring any materials before this Court whether the proceedings for arbitration have been initiated or not.

3. In such view of the matter, this Court is of the view that the application for interim measure under Section 9 of the Arbitration and Conciliation Act, 1996 cannot be kept pending endlessly and hence, this application stands dismissed.

Sd/N.S.K.J.
15.09.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/23.09.2020

COURT OFFICER(O.S.)

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