

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.8445 of 2019

M/s.HDB Financial Services Limited,
Registered Office at Radhika,
Second Floor, Law Garden Road,
Navrangpura, Ahmedabad – 380 009.

Corporate Office at
Process House, Second Floor,
Kamala Mills Compound,
Lower Parel, Mumbai – 400 013.

Branch Office at,
4th Floor, Loyal Towers, No.68/2,
Greams Road, Chennai – 600 006.

Represented by its Associate Legal
Mr.Godson Vinokaran

. . . Applicant

Versus

1. Gilber Edwin Jose N.

S/o. Nesamani

C-8-12, K G Signature City, 200 Ft,
Bypass Road, Maduravoyal Adayampattu,
Chennai – 600 030.

2. Mr.Elbe Sheblamili

C-8-12, K G Signature City, 200 Ft,
Bypass Road, Maduravoyal Adayampattu,
Chennai – 600 030.

. . . Respondents

PRAYER: Application filed under Order XIV Rule 8 of original side rules r/w.SEC 9(ii)(d) & (e) of the Arbitration and Conciliation Act, 1996, to appoint a receiver namely Mr.H.B.Nanda Kumar employee of the applicant to seize and deliver the vehicle L Y T Komatsu PC-210LC, Registered No.NL70251, available at the respondent's premises or wherever found and permit the receiver namely Mr.H.B.Nanda Kumar of the applicant to obtain police aid and to break open the premises.

For Applicant : Mr.M.Arunachalam

For Respondents : No appearance

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 28.06.2017, the respondents have availed a sum of Rs.21,71,000/-. As the respondents committed default, it is the contention of the applicant 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 respondents, 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.H.B.Nanda Kumar, employee of the applicant company is appointed as a receiver to seize the vehicle covered under the contract. This Order shall operate only for a period of six 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 respondents or their 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.

N.SATHISH KUMAR, J.

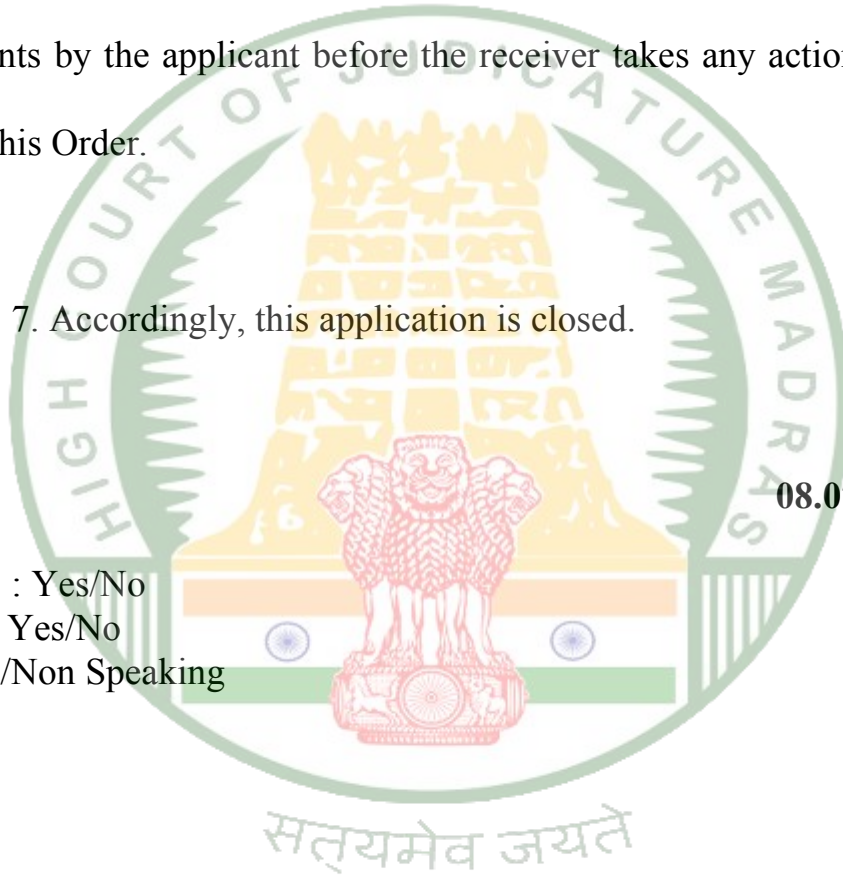
dh

6. This Order of appointment shall be served on the respondents by the applicant before the receiver takes any action on the basis of this Order.

7. Accordingly, this application is closed.

08.07.2020

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking
dh



WEB COPY

A.No.8445 of 2019