

Application.No.9166 of 2019

N.SATHISH KUMAR, J.,

This application has been filed to appoint a receiver namely Mr.S.Kanagarathinam working as a Manager of the applicant as a receiver to seize and deliver the Private Service vehicle (JCB India, Earth Moving Equipment) bearing Engine No.4H20750200864 Chassis No.09818424 and bearing Registration No. TN 29 AY 7530 available at the respondents premises or wherever found and permit the receiver to obtain police aid and to break open the premises.

2. It is the case of the applicant that as per the loan agreement dated 03.04.2019, the respondents has availed a sum of Rs.2,00,000/-. As the respondents committed default, it is the contention of the respondents 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.

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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.S.Kanagarathinam, 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 three 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 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 respondents by the applicant before the receiver takes any action on the basis of this Order.

7. Accordingly, this application is closed.

01.10.2020

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