

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.9626 of 2018

Shriram City Union Finance Limited
rep by its Authorised Signatory
Ms.E.Ramya
12 Ramasamy Street , T. Nagar
Chennai.

... Applicant

Vs

I.Vairavan
S/o.Mr.Iyyan,
No.7/116, Eluppai Thoppu Street,
Thirisoolam, Chennai-600 043.

... Respondent

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

WEB COPY

ORDER

Instant application has been filed to appoint a Receiver to
administer the property of the 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. The property is said to have mortgaged on loan transaction, as per the loan agreement, dated 28/11/2016. Since the respondent failed to pay the regular instalments, instant application came to be filed. The respondent has neither paid the amount nor settled the contract, despite repeated demands made by the applicant.

3. The contention of the learned counsel appearing for the appellant is that that the applicant is yet to appoint an arbitrator in this matter.

4. Instant application is of the year 2018. Having filed such an application and not taking any steps to appoint arbitrator, interim orders cannot be passed. Once the properties have been acquired, question of appointing Receiver does not arise at all. Accordingly, no further order is required to be passed.

5. With the above observation, instant application is dismissed.

Sd/.N.S.K.J.

03.09.2020

//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.