

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

A.No.38 of 2021

M/s.Daimler Financial Services India Private Limited
represented by its Authorised Signatory,
I Floor, Unit 1, Block B – Tek Meadows Campus,
No.51, Rajiv Gandhi Salai,
Sholinganallur, OMR,
Chennai-600 119.

... applicant

Vs.

1.M/s.Pillix Law Firm
represented by its Managing Partner,
Flat No.201, Kamala Residency,
Phase III, Srinagar Colony, Hyderabad,
Hyderabad, Andhra Pradesh – 500 073.

2.Vasudevan Akkaram Sampath,
Block No.B4, Flat No.407, Induaranya,
Pallavi Hayath Nagar, Rangareddy,
Hyderabad, Andhra Pradesh – 500 073.

... respondents

Prayer: Judges summons filed under Order XIV Rule 8 of O.S. Rules read with Section 9 (ii) (d) & (e) of the Arbitration and Conciliation Act, 1996 to appoint a receiver, namely, Mr.Praveen Gowb of the applicant to seize and deliver the vehicle New Mercedes Benz GLA 200 CDI Sports Passenger Car bearing Vehicle Reg.No.TS09ES7778, Chassis No.WDC1569086L004011, Engine No.65193033453053 available at the respondent's premises or wherever found and permit the receiver namely, Mr.Praveen Gowb of the applicant to obtain police aid and to break open the premises.

For Applicant : Mr.M.Arunachalam

ORDER

This application is filed for appointing a Receiver to seize the vehicle as an interim measure.

2. The applicant would submit that under loan agreement dated 29.12.2016, the respondents had availed a sum of Rs.25,00,000/~ as loan in respect of the Vehicle. The respondents had committed default in repayment of the dues and it is the contention of the applicant that unless a Receiver is appointed to take charge of the vehicle, there is every likelihood of the respondent disposing of the Vehicle, and in that event, the applicant would be left with no recourse to recover the outstanding. The Vehicle is now hypothecated in favour of the applicant.

3. When the matter came up before this Court the Court had suggested that the parties should attempt to resolve the issue however the respondent has not come forward with a viable solution. Therefore this Court is proceeding to pass orders.

4. Taking into consideration the above, this Court is of the view that the applicant has made out a prima facie case and the balance of convenience is also in their favour. Accordingly, Mr. Praveen Gowb is appointed as Receiver to seize the vehicle covered under the contract. This order shall operate for a period of four (4) weeks from the date of receipt of a copy of this order.

5. The Receiver shall take possession of the Vehicle from the respondent or their agents or any person claiming under him or in whose possession the Vehicle is.

6. The Receiver shall also be provided Police assistance if requested by him, by the Station House Officer of the jurisdictional Police Station in which the vehicle is found.

7. It is made clear that the order of appointing the Receiver shall be served on the respondent by the applicant before the Receiver takes any action on the basis of this order. The vehicle shall not be sold without obtaining orders of this Court till the disposal of the Arbitral proceedings.

8. The applicant shall take steps to initiate arbitration proceeding within a period of 90 days from the date of this order.

The Application is ordered accordingly. No costs.

07.01.2021

Internet : Yes/No

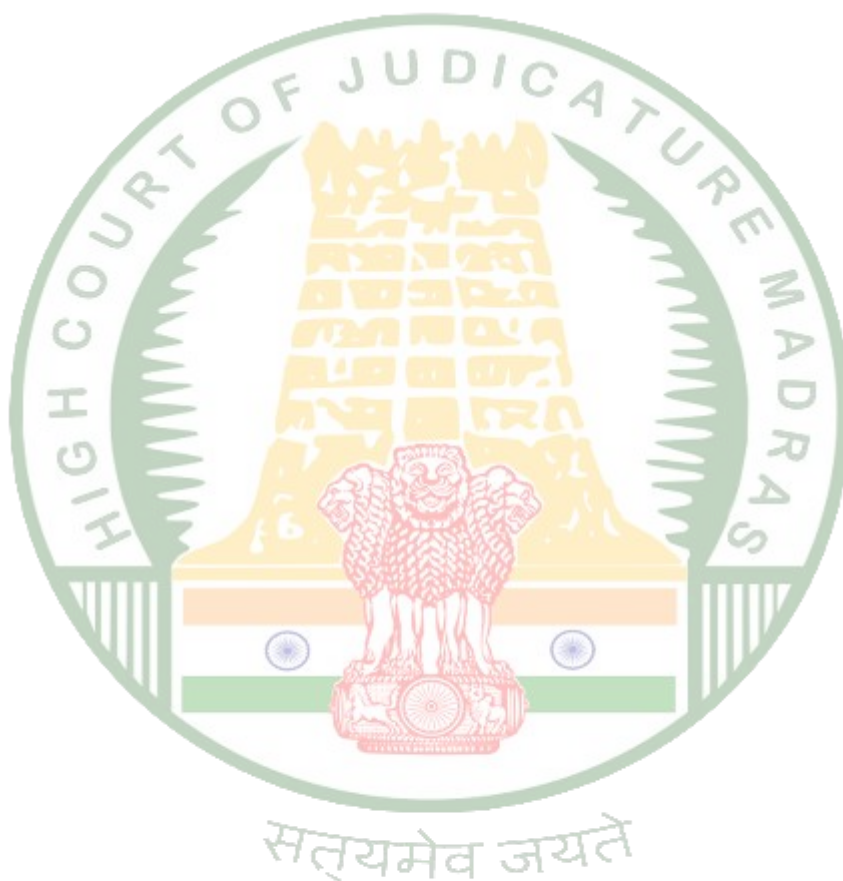
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P.T. ASHA. J.

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