



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 15TH DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.245 of 2021

In the matter of Arbitration and
Conciliation Act 1996,

AND

In the matter of disputes between
M/S CHOLAMANDALAM
INVESTMENT

AND FINANCE COMPANY
LIMITED and MR.CHANCHAL
RANJIT CHAHANDE arising
under Loan Agreement
No.XVFPGON00003745581 Dated
16.09.2020

M/S CHOLAMANDALAM INVESTMENT
AND FINANCE COMPANY LIMITED,
No.45, Justice Basheer Ahmed Sayeed Building,
IInd Floor, 2nd Line Beach, Moore Street,
Parrys, Chennai 600 001.,
Represented by its Authorised Signatory.

..Applicant

-Vs-

1. MR.CHANCHAL RANJIT CHAHANDE.
S/o.Ranjit Chahande,
Suryatola Ward, Parmatma EK Nagar,
Gondia, Near Vihar Gondia,
Maharashtra - 441 601.

..Respondent

2. SECR NAGPUR DIVISION,
Gondia Railway Station,
Railtoly Gondia,
Maharashtra - 441 601



Also at:-

Sitabuldi, Nagpur,
Maharashtra - 440 001.

..Garnishee

Application praying that this Hon'ble Court be pleased to pass an order prohibiting the Garnishee from making payment upto a limit of Rs.3,31,538.59 to the Respondent by withholding the salary of respondent every month to the extent as contemplated in Section 60 of C.P.C. viz after deducting the first Rs.1000/- of the salary of the Respondent and withholding 1/3rd of the remainder salary and restrain the respondent from receiving the salary amount so withheld from the Garnishee and further direct the Garnishee to deposit the amount of salary so withheld every month to the credit of the above application pending initiation and disposal of arbitration proceedings, between the Applicant and the Respondent and till enforcement of the award that may be ultimately passed in the arbitration proceedings.

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed for appointment of a receiver to seize and take possession of the vehicle morefully described in the Judge's summons which is lying in the custody of the respondent.



2. It is the contention of the learned counsel for the applicant that from the inception, viz., 16.09.2020, the respondent has not paid not even a single instalment. That itself clearly indicate that the applicant is not having any intention to arbitrate the matter.

3. In the absence of any manifest intention on the part of the applicant to initiate arbitration proceedings, this Court is not inclined to pass any interim Order. It is for the applicant to initiate arbitration proceedings and the interim order can also be sought before the arbitrator.

4. With the above observation, this application is closed.

Sd/.N.S.K.J.
15.06.2021

//Certified to be a true copy//

Dated this the th day of 2021.

su.13.07.2021

COURT OFFICER(O.S.)

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