



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 9TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.1056 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Disputes between
M/S. IDFC First Bank Limited And
D.Anbalagan in Used Car Loan
Agreement No. 21842639 dated
23.04.2019.

M/s. IDFC FIRST Bank Limited,
Rep by its Authorised Signatory
Mrs. J. Hephysiba Priya
KRM Towers, 7th Floor,
No. 1, Harrington Road,
Chetpet, Chennai – 600 031.

... Applicant

Vs.

D.Anbalagan,
S/o.Arunachalam Dharmaraj
Second Floor, No.9/10,
Arun Apartment
01 St Street ,2nd Avenue,
Ashok Nagar, Near Bus Stop,
Chennai 600 083.

Also at:

D.No.2/897 Soura St,
Rapuram 2nd Street,
Vandiyur Near Bus Stop,
Madurai,
Tamil Nadu - 625 020.



Also at:

7/28 B, Ashok Flats,
10th Avenue, Ashok nagar,
Near Bus Stop Chennai 600 083.

... Respondent

Application praying that this Hon'ble Court be pleased to pass an order to appoint Mr.Rajendar Azmeera, Collection Manager of the Petitioner bank, as receiver to seize the vehicle more particularly described in the schedule to the Judges Summon wherever stationed in the premises of the Respondent or wherever it is found and with whomsoever it is found with powers to breakdown the premises and grant permission to the receiver to obtain police aid from the concerned police officer.

This application coming on this day before this court for hearing in the presence of Mr.S. Ram Prasad, Advocate for the Applicant herein, and upon reading the Judge's Summons and the affidavit of Mrs.Hephsiba Priya filed herein, it is ordered as follows:-

That Mr.Rajendar Azmeera, Collection Manager, of the petitioner bank is appointed as a receiver to seize the vehicle covered under the contract and Order shall operate only for a period of three (3) weeks from the date of receipt of a copy of this Order and thereafter, this Order shall stand automatically cancelled.



vehicle from the respondent or their agents or any one in possession thereof.

3. That if necessary the Receiver appointed herein, 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.

4. That the order appointing the Receiver shall be served on the respondent by the applicant before the Receiver takes any action on the basis of this order.

5. That the A. No. 1056 of 2021 do stand closed.

SCHEDULE

One No. MARUTHI SUZUKI VITARA BREEZA LDI bearing Chassis No. MA3NYFB1SHH270679 and fitted with Engine No. D13A5493245, bearing Registration No. TN 64 Q5559.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 9TH DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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A. No.1056 of 2021

ORDER

DATED : 09.07.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 23/07/2021

APPROVED ON: 26/07/2021

Copy to:-

Mr.Rajendar Azmeera,
Collection Manager
Receiver,
M/s. IDFC FIRST Bank Limited,
KRM Towers, 7th Floor,
No. 1, Harrington Road,
Chetpet, Chennai – 600 031.



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Vs.

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7/28 B, Ashok Flats,
10th Avenue, Ashok nagar,
Near Bus Stop Chennai 600 083.

... Respondent

Application praying that this Hon'ble Court be pleased to pass an order to appoint Mr.Rajendar Azmeera, Collection Manager of the Petitioner bank, as receiver to seize the vehicle more particularly described in the schedule to the Judges Summon wherever stationed in the premises of the Respondent or wherever it is found and with whomsoever it is found with powers to breakdown the premises and grant permission to the receiver to obtain police aid from the concerned police officer.

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

This application has been filed to appoint Mr.Rajendar Azmeera, Collection Manager of the Petitioner bank, as receiver to seize the vehicle more particularly described in the schedule to the Judges Summon wherever stationed in the premises of the respondent or wherever it is found and with whomsoever it is found with powers to breakdown the premises and grant permission to the receiver to obtain police aid from the concerned Police Officer.



2. It is the case of the applicant that as per the loan agreement

dated 23.04.2019, the respondent has availed a sum of Rs.11,99,240/-.

As the respondent 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 respondent, 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.Rajendar Azmeera, Collection Manager of the Petitioner bank 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 and thereafter, this Order shall stand automatically cancelled.

5. The receiver will be entitled to take possession of the vehicle from the respondent or his agents or any one in possession thereof. If



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 respondent by the applicant before the receiver takes any action on the basis of this Order.

7. Accordingly, this application is closed.

Sd./-N.S.K.J.
09.07.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
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