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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 16TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.1044 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

And

In the matter of the dispute
between M/s.IDFC First Bank
Limited and Gaudhama Nambi
in Used Car Loan Agreement
No.27946141 dated 27.11.2019.

M/S IDFC FIRST BANK LIMITED

Rep.by its Authorized Signatory

Mrs.J.Hephsiba Priya,

KRM Towers, 7th Floor,

No.1, Harrington Road,

Chetpet, Chennai - 600 031.

..Applicant

-Vs-

GAUDHAMA NAMBI,

S/o.Ulaga Nambi,

H105/S3, 3rd Seaward Road, Valmiki Nagar,

Thiruvanmiyur, Near Indian Oil Petrol Bunk,

Chennai- 600 041

Also at:

472, Anna Salai,

Chennai, Near Bus Stop,

Chennai- 600 035.

..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 for appointment of a receiver to seize vehicle mentioned in the judges summons.

2. As per the clause between the parties in the Hire Purchase Agreement, though it appears that notice has been sent, it was not served on the ground that 'no such person'. Therefore this Court is of the view that in the absence of service of notice, the order appointing Receiver to seize the vehicle cannot be passed mechanically.

3. As the respondent has committed default, it is for the applicant to invoke arbitration and so far no arbitration proceedings has been initiated.



4. In such view of the matter, it is for the applicant to file an application with correct address of the respondent, and thereafter, initiate proceedings as per law.

5. Accordingly, this application is closed.

Sd/.N.S.K.J.
16.07.2021

//Certified to be a true copy//

Dated this the th day of 2021.

SU/02.08.2021

COURT OFFICER(O.S.)

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