



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 25TH DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

A. No.1138 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Disputes between
M/s. TVS Credit Services Limited
and Mr.Amit Kumar Singh Arising
under Loan Cum Hypothecation
Agreement Dated 25.02.2019
bearing Agreement No.
UP3040LN0000384.

M/s.TVS Credit Services Limited
Jayalakshmi Estates,
New No.29, Old No.8,
Haddows Road,
Chennai – 600 006.

Represented by its Authorised Signatory

... Applicant

Vs.

Mr.Amit Kumar Singh,
S/o. Shailendra Singh,
Village – Ahata Captan,
Sitapur, Habibpur,
27 Bn. P.A.C.S.O,
Uttar Pradesh – 261 001.

... Respondent

Application praying that this Hon'ble Court be pleased to appoint



Executive as Receiver to seize and take possession of the vehicle which is morefully described in the schedule to the Judges summon which is lying in the custody of the respondent or respondent's men, agents, servants from respondent premises or wherever found with police aid and break open the premises if necessary.

This application coming on this day before this court for hearing through video conferencing in the presence of M/s. D. Pradeep Kumar, Advocate for the Applicant herein, and upon reading the Judge's Summons and the affidavit of Mrs. Shanthi G.K, filed herein, it is ordered as follows:-

That Mr.Anuj Kumar, Field Collection Executive, of the applicant's company be and is hereby appointed as the receiver to seize the vehicle covered under the contract and this order shall operate only for a period of six (6) weeks from the date of receipt of a copy of this Order and thereafter, this Order shall stand automatically cancelled.

2. That the receiver appointed herein shall seize and take possession of the vehicle from the respondent or their agents or any one in possession thereof.

3. That the Receiver appointed herein, shall get police assistance and the Station House Officer of the concerned Police Station concerned, within whose jurisdiction the vehicle is found, will render



requisite assistance for this purpose.

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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.

SCHEDULE

FARMTRAC 39, bearing Engine No. E2163449, Chassis No. T2160715 and registered as UP50V3920.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 25TH DAY OF JUNE 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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02/07/2021

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A. No.1138 of 2021

ORDER

DATED : 25.06.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 22/07/2021

APPROVED ON: 23/07/2021

Copy to:-

Mr.Anuj Kumar,
Field Collection Executive
Receiver,
M/s.TVS Credit Services Limited
Jayalakshmi Estates,
New No.29, Old No.8,
Haddows Road,
Chennai – 600 006.



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... Respondent

Application praying that this Hon'ble Court be pleased to appoint



Executive as Receiver to seize and take possession of the vehicle which is morefully described in the schedule to the Judges summon which is lying in the custody of the respondent or respondent's men, agents, servants from respondent premises or wherever found with police aid and break open the premises if necessary.

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

This application has been filed for an interim measure of appointing a receiver to seize the vehicle.

2. The respondent availed of a vehicle loan from the Applicant-company and executed a loan agreement No.UP3040LN0000384 for a sum of Rs.1,50,744/- to be paid in 4 installments and the first installment commenced from 05.06.2019 and the re-payments were to run till 05.03.2020. It is stated that as on 09.03.2021, a sum of Rs.1,08,109.41/- is outstanding. In terms of the loan agreement executed by the respondent, the applicant/Finance company is entitled to re-possess the vehicle in the event of default committed by the respondent. It is also submitted that the continued use of the vehicle by the respondent would depreciate its value.



3. The learned counsel for the applicant submitted that service has been completed on the respondent. From the court records, it is seen that the respondent has been served notice and despite her name appeared in the cause list today, there is no appearance by her or anyone on her behalf.

4. In the above circumstances, in consideration of the pleadings and the materials placed on record, this Court is convinced that the applicant has made out a prima facie case and balance of convenience is in favour of the applicant. Therefore, the named receiver in the application Mr. Anuj Kumar, Field Collection Executive of the applicant company is appointed as a receiver to seize the vehicle covered under the contract. This Order shall operate only for a period of six 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 seize and take possession of the vehicle from the respondent or their agents or any one in possession thereof. If necessary, the Receiver shall get police assistance and the Station House Officer of the Police Station concerned, within whose jurisdiction the vehicle is found, will render requisite assistance for this



purpose.

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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 Ordered.

Sd./-V.P.N.J.
25.06.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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