

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 8TH DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. Nos.2950 to 2952 of 2020,
A.Nos.2955, 2956, 2958 to 2960 of 2020

A.No.2950 of 2020:

In the matter of Arbitration & Conciliation
Act, 1996
And
In the matter of dispute between
M/s.Capital First Limited and Komalavalli.S
in Used Car Loan Agreement No.5225569
dated 31.01.2016

M/S.IDFC FIRST BANK LIMITED

Earlier known as M/s.Capital First Limited,

Rep.by its Authorized Signatory,

Mr.Rajasekar.A, Amarasi Building,

No.455, Anna Salai,

Teynampet, Chennai - 600 018.

..Applicant

-Vs-

KOMALAVALLI S

No.13, New No.20, Sathivani Muthu,

Sozhinallur, Chennai - 600 119.

..Respondent

Application praying that this Hon'ble Court be pleased to pass an
order to appoint Mr.Rajasekar.A the Petitioner herein, 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.

A.No.2951 of 2020:

In the matter of Arbitration & Conciliation
Act, 1996

And

In the matter of the dispute between
M/s.Capital First Limited and B.Mathivanan
in Used Car Loan Agreement No.7408779
dated 23.07.2016

M/S.IDFC FIRST BANK LIMITED

Earlier known as M/s.Capital First Limited,

Rep.by its Authorized Signatory,

Mr.Rajasekar.A, Amarasi Building,

No.455, Anna Salai,

Teynampet, Chennai - 600 018.

..Applicant

-Vs-

B.MATHIVANAN

4th Floor, MAA Ashirwad

408 Plot No.160,

Kadapa Road,

Kallikuppam, Ambattur,

Chennai - 600 053.

..Respondent

Application praying that this Hon'ble Court be pleased to pass an order to appoint Mr.Rajasekar.A, the Petitioner herein, as Receiver to seize the vehicle more particularly described in the schedule to the Judges

Summons where ever 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.

A.No.2952 of 2020:

In the matter of Arbitration & Conciliation
Act, 1996
And
In the matter of the dispute between
M/s.Capital First Limited and Krishnan.B
in Used Car Loan Agreement No.5897669
dated 17.05.2016

M/S.IDFC FIRST BANK LIMITED
Earlier known as M/s.Capital First Limited,
Rep.by its Authorized Signatory,
Mr.Rajasekar.A, Amarasi Building,
No.455, Anna Salai,
Teynampet, Chennai - 600 018. ..Applicant

-Vs-

KRISHNAN B
No.22A, Kalaimagal Nagar,
Puthagaram, Kolathur,
Chennai - 600 099. ..Respondent

Application praying that this Hon'ble Court be pleased to pass an order to appoint Mr.Rajasekar.A, the Petitioner herein, 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.

A.No.2955 of 2020:

In the matter of Arbitration & Conciliation
Act, 1996

And

In the matter of the dispute between
M/s.Capital First Limited and K.Bala
Murugan in Used Car Loan Agreement
No.9955841 dated 22.02.2017

M/S.IDFC FIRST BANK LIMITED

Earlier known as M/s.Capital First Limited,
Rep.by its Authorized Signatory,
Mr.Rajasekar.A, Amarasi Building,
No.455, Anna Salai,
Teynampet, Chennai - 600 018.

..Applicant

-Vs-

K.BALA MURUGAN

No.62 and 63 Flat No.S8,
Ishwarya Homes,
Brindhavan Nagar,
2nd Street, Valasaravakkam,
Chennai - 600 087.

..Respondent

Application praying that this Hon'ble Court be pleased to pass an order to appoint Mr.Rajasekar.A, the Petitioner herein, 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.

A.No.2956 of 2020:

In the matter of Arbitration & Conciliation
Act, 1996
And
In the matter of the dispute between
M/s.Capital First Limited and Ramesh.S
in Used Car Loan Agreement No.14648112
dated 23.03.2018

M/S.IDFC FIRST BANK LIMITED
Earlier known as M/s.Capital First Limited,
Rep.by its Authorized Signatory,
Mr.Rajasekar.A, Amarasi Building,
No.455, Anna Salai,
Teynampet, Chennai - 600 018. ...Applicant

-Vs-

RAMESH S
No.12, Narmadha Street,
Kasi Visalakshmi Puram,
Keelkattalai,
Chennai - 600 117. ... Respondent

Application praying that this Hon'ble Court be pleased to pass an

<https://hcservices.ecourts.gov.in/hcsapp/es/> order to appoint Mr.Rajasekar.A the Petitioner herein, 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.

A.No.2958 of 2020:

In the matter of Arbitration & Conciliation
Act, 1996

And

In the matter of the dispute between
M/s.Capital First Limited and Daisy Rani
in Used Car Loan Agreement No.12714479
dated 29.08.2017

M/S.IDFC FIRST BANK LIMITED,
Earlier known as M/s.Capital First Limited,
Rep.by its Authorized Signatory,
Mr.Rajasekar.A, Amarasi Building,
No.455, Anna Salai,
Teynampet, Chennai - 600 018.

..Applicant

-Vs-

DAISY RANI
No.7/205, Ambethkar Street,
Barathiyar Nagar,
Nandampakkam, Kancheepuram,
Chennai - 600 069.

..Respondent

<https://hcservices.ecourts.gov.in/> Application praying that this Hon'ble Court be pleased to pass an

order to appoint Mr.Rajasekar.A, the Petitioner herein, as Receiver to seize the vehicle more particularly described in the schedule to the Judges Summons 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.

A.No.2959 of 2020:

In the matter of Arbitration & Conciliation
Act, 1996

And

In the matter of the dispute between
M/s.Capital First Limited and CRK
Selvakkumar in Used Car Loan Agreement
No.11484675 dated 31.05.2017

M/S.IDFC FIRST BANK LIMITED,
Earlier known as M/s.Capital First Limited,
Rep.by its Authorized Signatory,
Mr.Rajasekar.A, Amarasi Building,
No.455, Anna Salai,
Teynampet, Chennai - 600 018.

..Applicant

-Vs-

CRK SELVAKKUMAR
12/10, Rukmani Street,
U R Nagar, Padi,
Tiruvallur, Chennai-600 050.

..Respondent

order to appoint Mr.Rajasekar.A, the Petitioner herein, 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.

A.No.2960 of 2020:

In the matter of Arbitration & Conciliation
Act, 1996

And

In the matter of the dispute between
M/s.Capital First Limited and Yuvaraj.C in
Used Car Loan Agreement No.12401355
dated 29.07.2017

M/S.IDFC FIRST BANK LIMITED,
Earlier known as M/s.Capital First Limited,
Rep.by its Authorized Signatory,
Mr.Rajasekar.A, Amarasi Building,
No.455, Anna Salai,
Teynampet, Chennai - 600 018.

..Applicant

-Vs-

YUVARAJ C
Plot No.7A, VOC Street,
Gangai Nagar,
Killikuppam, Chennai - 600 053.

..Respondent

order to appoint Mr.Rajasekar.A the Petitioner herein, 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.

These Applications are coming on this day before this court for hearing the court made the following order:

These applications have been filed for interim protection for appointment of a Receiver to seize the vehicle more particularly described in the schedule to the Judges Summons.

2. Heard the learned counsel appearing for the applicant and the learned counsel appearing for the respondent.

3.The agreement between the parties with regard to the loan facility is extended to the applicant for the purchase of used car. Subsequently the respondents have committed default as early as on 31.01.2020. Though the contract governing the parties provides clause for reference of the dispute for arbitration, the dispute arose in the year 2020 in the month of

January itself, till now, the applicant has not invoked the arbitration. Such being the matter, the present applications have been filed seeking interim order only to secure the vehicle, which indicates that the applicant is not interested to go for arbitration. Despite breaching the contract and the default committed by the respondents, the applicant has not invoked arbitration as per the agreement. The same clearly indicates that there is no manifest intention on the part of the applicant to refer the matter for arbitration. In such view of the matter, I am not inclined to grant the relief. It is for the applicant to invoke arbitration and seek interim order as per Section 17 of the Act.

4. Accordingly, the above applications are closed.

Sd/-N.S.K.J.
08.04.2021

//Certified to be a true copy//

Dated this the th day of 2021

SU/21.04.2021

COURT OFFICER(O.S.)

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