



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 17TH DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.1553 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Disputes between
M/s. Chola mandalam Investment
and Finance Company Ltd. and
Mr.Satabhai Nagajibhai Saraiya
Arising under Loan Agreement No.
XSHUCIL00002317875 Dated
13.03.2018.

M/s.Chola mandalam Investment and
Finance Company Limited,
No. 45, Justice Basheer Ahmed Sayeed Building,
II Floor, 2nd Line Beach, Moore Street,
Parrys, Chennai-600 001.

Represented by its Authorised Signatory

... Applicant

-Versus-

Mr.Satabhai Nagajibhai Saraiya
S/o. Nagajibhai Saraiya,
AT Rajavad, TA Chotila,
Surendra Nagar, Near Rajavad,
Gujarat – 363520.

... Respondent

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

the employee of the Applicant viz, Mr.Makwana Mehulkumar Hasubhai,

Branch Receivables Manager, as Receiver to seize and take possession



of the Vehicle which is more fully described in the schedule to the Judges Summons which is lying in the custody of respondent or respondent's men, agents, servants, from respondent premises or wherever found with Police aid and break open of premises if necessary.

This application coming on this day before this court for hearing in the presence of Mr.D. Pradeep Kumar, Advocate for the Applicant herein, and the Respondent herein not appearing in person or by advocate and upon reading the Judge's Summons and the affidavit of Mr.S.Sivasubramanian filed herein, it is ordered as follows:-

That Mr.Makwana Mehulkumar Hasubhai, Branch Receivables 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.

2. That the receiver appointed herein shall 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, within whose jurisdiction the vehicle is found, will render requisite assistance



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. 1553 of 2021 do stand closed.

SCHEDULE

Tata 2518 LPK, bearing Engine No. 74791, Chassis No. 10840 and Registration No. GJ-06-XX-9957.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 17TH 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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24/06/2021

A. No.1553 of 2021

ORDER

DATED : 17.06.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 14/07/2021

APPROVED ON: 18/07/2021

Copy to:-

Mr.Makwana Mehulkumar Hasubhai,
Branch Receivables Manager
Receiver
M/s.Cholamandalam Investment
and Finance Company Limited,
No. 45, Justice Basheer Ahmed
Sayeed Building, II Floor,
2nd Line Beach, Moore Street,
Parrys, Chennai-600 001.



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... Respondent

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Branch Receivables Manager, as Receiver to seize and take possession



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

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.

<https://hcservices.ecourts.gov.in/hcservices/>

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 their agents or any one in possession thereof. If necessary, the Receiver 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.

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.
17.06.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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