



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.1628 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of disputes between
M/s.Cholamandalam Investment
and Finance Company Ltd and
Mrs. Celvi Sahadevan Arising
under loan Agreement
No.XSHUKTP00002292057

Dated 22.02.2018 & Supplement
Agreement No.

XVFPKTP00002761598 Dated
24.01.2019.

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

Represented by its Authorised Signatory

... Applicant

Vs.

Mrs. Celvi Sahadevan,
W/o. Sahadevan,
Melazhuthuputhuval, Peerumedu PO,
Kallarmukku, Idukki, Near Pambanar City,
Kerala - 685531.

... Respondent



Application praying that this Hon'ble Court be pleased to appoint the employee of the Applicant viz. Mr. Geo George, Legal 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 Mr.D. Pradeep Kumar, Advocate for the Applicant herein, and upon reading the Judge's Summons and the affidavit of Mr.S.Sivasubramanian filed herein, it is ordered as follows:-

That Mr. Geo George, Legal 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, 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.

SCHEDULE

Tavera Ls B3, bearing Engine No. 3CN167524, Chassis No. MA6ABCC5DDH004343 and registration No. KL-04AE-2963.

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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06/07/2021

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A. No.1628 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. Geo George,
Legal Executive,
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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Represented by its Authorised Signatory

... Applicant

Vs.

Mrs. Celvi Sahadevan,
W/o. Sahadevan,
Melazhuthuputhuval, Peerumedu PO,
Kallarmukku, Idukki, Near Pambanar City,
Kerala - 685531.

... Respondent



Application praying that this Hon'ble Court be pleased to appoint the employee of the Applicant viz. Mr. Geo George, Legal 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.XSHUKTP00002292057 dated 22.02.2018 for a sum of Rs.5,06,180/- with interest and supplement agreement No.SVFPKTP00002761598 dated 24.01.2019 for a sum of Rs.29,520/- with interest to be paid in 44 and 12 monthly installments respectively. The first installment of loan agreement commenced from 25.03.2018 and the re-payments were to run till 25.10.2021 and the first installment of supplement agreement commenced from 25.02.2019 and



29.03.2021, including both the agreements, a sum of Rs.3,23,712.60/- is outstanding. In terms of the agreements 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.Geo Geroje, Legal 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

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

receipt of a copy of this Order and thereafter, this Order shall stand



automatically cancelled.

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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.

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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