

Application No.1820 of 2021

N.SATHISH KUMAR, J.

This application has been filed for interim measure for appointing an Advocate Commissioner to seize and deliver the vehicle. Subsequently, learned counsel for the applicant has filed a Memo for appointing a Receiver instead of appointing an Advocate Commissioner. The said Memo is taken on record.

2. It is the case of the applicant that as per the loan agreement dated 27.12.2019, the respondent has availed a sum of Rs.34,65,000/-. As the respondent committed default, it is the contention of the applicant that unless a receiver is appointed to take charge of the vehicle, there will be irreparable injury and the vehicle will be sold by the other side. Hence, it is prayed for appointment of a receiver.

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.

4. Taking into consideration that the applicant has made out a prima facie case and balance of convenience is in favour of the applicant, Mr.P.Saravanan of the applicant company is appointed as a receiver to seize the vehicle covered

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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 his 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.

17.08.2021

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