

A.No.1914 of 2021**V.PARTHIBAN,J.**

This application is filed to appoint an employee of the applicant viz., Mr.Makwana Mehulkumar Hasubhai, Branch Receivable 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 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.

2. Heard Mr.D.Pradeep Kumar, learned counsel for the applicant.

3. The respondent availed finance facility in respect of vehicle Maruti Suzuki Swift from the applicant under Loan Agreement dated 10.05.2019 for a sum of Rs.2,67,885/- to be paid in 32 instalments and the first instalment commenced on 10.06.2019 and repayments were to run till 10.01.2022. The respondent had only paid Rs.109595.66 and still a sum of R.1,61,181.46 is due. 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.

4. 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 and despite his name appeared in the cause list today, there is no appearance by him or anyone on his behalf.

5. Taking into consideration the fact that the respondent has been in continuous default, 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.Makwana Mehulkumar Hasubhai, of the applicant company, is appointed as a receiver to seize the vehicle covered under the contract. This order shall operate 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.

6. 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.

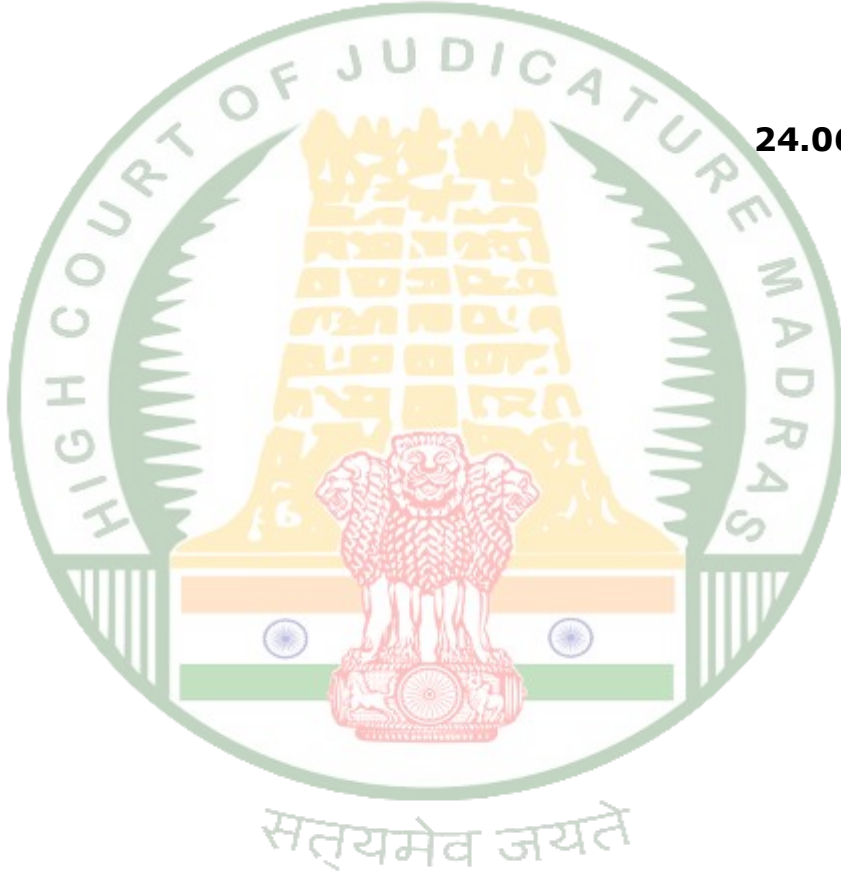
7. It is made clear that the order of appointing the Receiver shall be served on the respondent by the applicant before the Receiver takes any action on the basis of this order. The vehicle shall not be sold without obtaining orders of this Court till the disposal of the Arbitral proceedings.

8. The applicant shall take steps to initiate arbitration proceedings within a period of four weeks from the date of this order.

9. Accordingly, this application is ordered.

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