

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 14TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.1913 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 Mr.Sanjay
Shalikram Kale Arising under loan
Agreement

No.XVFPAVT00003005724 Dated
31.05.2019.

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

Versus

Mr.Sanjay Shalikram Kale,
S/o.Shalikram Kale,
Ghaneani Nagar, Near Sandi Pani School,
Amravati, Maharashtra-444606.

... Respondent

Application praying that this Hon'ble Court be pleased to appoint the
employee of the Applicant viz Mr.Sharad Mahendra Sharma, Area Business
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 upon reading the judges summons and affidavit of Mr.S.Sivasubramanian filed herein, the court made the following order:-

This application has been filed for appointment of a receiver to seize the vehicle mentioned in the judges summons.

2. As per the submissions of the learned counsel for the applicant, the default has been committed in the year 2019 and it appears that arbitration proceedings were not initiated by the applicant till date. The same indicate that the applicant has no manifest intention to invoke arbitration proceedings.

3. In such view of the matter, this Court is not inclined to pass any Order in this application, as the applicant has no manifest intention to invoke arbitration proceedings.

4. Accordingly, this application is closed. It is well open to the

applicant to initiate arbitration proceedings and obtain interim Order before the arbitrator.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
14TH DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

EVK

06/08/2021

A. No.1913 of 2021

ORDER

DATED : 14.07.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 09/08/2021

APPROVED ON: 09/08/2021

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

14/07/2021

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