



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 2nd DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb. Appln. No.13 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Loan Cum
Hypothecation Agreement, and
dispute between M/s. Daimler
Financial Services India Pvt. Ltd.,
and Rakeshkumar Madanlal patel –
Loan No. 10127950 dated
22.10.2017.

M/s. Daimler Financial Services India Pvt. Ltd.
Represented by its Authorised Signatory
Campus 3A, 2nd Floor, RMZ Millennia Business,
Park II, No. 143, Dr. M.G.R. Road,
Perungudi, Chennai – 600096,
Tamil Nadu.

... Applicant

Vs.

Rakeshkumar Madanlal patel
9, Chitralli Row House,
Jahangira Bad, Rander,
Surat – 395 005, Gujarat – 395009.

... Respondent

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



deliver the vehicle New Mercedes Benz GLS 350 D Passenger Car

bearing vehicle Reg.No.GJ05RC8088, Chassis

No.WDC1668236M016620, Engine No.64282641991158 available at

the Respondent's premises or wherever found and permit the receive

namely Mr.Hemant Gadhavi of the Applicant to obtain police aid and to

break open the premises.

This application coming on this day before this court for hearing in the presence of Mr.M. Arunachalam, 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. Rakesh Dawny Kokkattu filed herein, it is ordered as follows:-

That Mr.Hemant Gadhavi, employee 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 three (3) weeks from the date of receipt of a copy of this Order.

2. That the receiver appointed herein shall be entitled to take possession of the vehicle from the respondent or their agents or any one in possession thereof.

3. That if necessary 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, shall render requisite



assistance for this purpose.

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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 Arb. Appln. No.13 of 2021 do stand closed.

SCHEDULE

New Mercedes - Benz GLS 350 D Passenger Car bearing vehicle
Reg.No.GJ05RC8088, Chassis No.WDC1668236M016620, Engine
No.64282641991158.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 2ND DAY OF AUGUST 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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09/08/2021

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Arb. Appln. No.13 of 2021

ORDER

DATED : 02.08.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 10/08/2021

APPROVED ON: 11/08/2021

Copy to:-

Mr.Hemant Gadhavi,
Receiver,
M/s. Daimler Financial Services
India Pvt. Ltd.
Campus 3A, 2nd Floor, RMZ
Millennia Business, Park II, No.
143, Dr. M.G.R. Road,
Perungudi, Chennai – 600096,
Tamil Nadu.



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Vs.

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9, Chitralli Row House,
Jahangira Bad, Rander,
Surat – 395 005, Gujarat – 395009.

... Respondent

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

a receiver namely Mr.Hemant Gadhavi of the applicant to seize and



bearing vehicle Reg.No.GJ05RC8088, Chassis

No.WDC1668236M016620, Engine No.64282641991158 available at the Respondent's premises or wherever found and permit the receive namely Mr.Hemant Gadhavi of the Applicant to obtain police aid and to break open the premises.

This Application coming on this day before this court for hearing, the court made the following order:-

This application has been filed to appoint the employee of the Applicant, viz., Mr.Hemant Gadhavi, as Receiver to seize and take possession of the vehicle which is morefully described in the Schedule to the Judges Summons 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 of premises, if necessary.

2. It is the case of the applicant that as per the loan agreement dated 12/10/2017, the respondent has availed a sum of Rs.81,75,000/-. As the respondent committed default, it is the contention of the respondent 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.

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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.Hemant Gadhavi, employee 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 three weeks from the date of receipt of a copy of this Order.

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.

Sd./-N.S.K.J.
02.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.