



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.12 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 Sri Ratnagiri Transport – Loan
Nos. 20144587, 20144588,
20144589 and 20144590 dated
22.10.2019.

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.

1. Sri Ratnagiri Transport,
Represented by its Managing Partner
6-2, Chandrampalemmadthurawada,
Visakhapatnam, Vishakhapatnam,
Andhra Pradesh – 530042.

2. Samireddy Shyam,
6-2, Chandrampalemmadthurawada,



Visakhapatnam, Vishakhapatnam,
Andhra Pradesh – 530042.

3. Samireddy Varalakshmi
6-2, Chandrampalem madhurawada,
Visakhapatnam, Vishakhapatnam,
Andhra Pradesh – 530042.

... Respondents

Application praying that this Hon'ble Court be pleased to appoint a receiver namely Mr.Praveen Goud of the applicant to seize and deliver the vehicle 4 BHARAT BENZ BB HDT 3723 CBC vehicles details as mentioned below:

<i>SL NO</i>	<i>CONTRACT NO.</i>	<i>ENGINE NO.</i>	<i>CHASSIS NO.</i>	<i>REG, NO.</i>
1	20144587	400952D0079957	MEC2976CAK P079512	AP39TE3859
2	20144588	400952D0081338	MEC2976CBK P080861	AP39TE3589
3	20144589	400952D0084393	MEC2976CCK P083591	AP39TE4579
4	20144590	400952D0081284	MEC2976CBK P080735	AP39TE2689

The above said vehicles are available at the Respondent's premises or wherever found and permit the receiver namely Mr.Praveen Goud 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.Praveen Goud, 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.

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.12 of 2021 do stand closed.

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SCHEDULE

SL NO	CONTRACT NO.	ENGINE NO.	CHASSIS NO.	REG, NO.
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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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copies of the Orders/Judgments/Decrees in this format.



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09/08/2021

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Arb. Appln. No.12 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.Praveen Goud,
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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4	20144590	400952D0081284	MEC2976CBK P080735	AP39TE2689

The above said vehicles are available at the Respondent's premises or wherever found and permit the receiver namely Mr.Praveen Goud of the applicant to obtain Police aid and to break open the premises.

This Application coming on this day before this court for hearing,



This application has been filed to appoint the employee of the Applicant, viz., Mr.Praveen Goud, 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 respondents or respondents' 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 22/10/2019, the respondent has availed a sum of Rs.1,20,00,000/-. 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.

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.Praveen Goud, employee of the applicant company is appointed as a receiver to seize the vehicle covered under the contract. This Order shall



copy of this Order.

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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.

COURT OFFICER(O.S.)

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