



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 21ST DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb.Appln.No.135 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

And

In the matter of Arbitration of
dispute between – M/s. Sundaram
Finance Limited – and – M/s.
Ganga Suppliers – Loan Agreement
No.P015900112; dated 11.06.2019.

M/s. Sundaram Finance Limited,
No.21, Patulous Road, Chennai.

Rep. By its Assistant General Manager – Legal,
Mr. Aluru Sri Krishna.

... Applicant

Vs.

Mr. Anil Kumar Pandey,
Proprietor of M/s. Ganga Suppliers,
Banjarawala Village & Post,
Haridwar Road, Dehradun,
Banjarawala, Dehradun – 248 001.

... Respondent

Application praying that this Hon'ble Court be pleased to appoint
Mr, Vikas Sharma, the Manager of the applicant's branch at Dehradun,
as the Receiver to take custody of the vehicles being 2 Nos.ASHOK
LEYLAND 3123 HEAVY GOODS VEHICLES morefully described in
the Schedule hereunder from the respondent to wherever it is found and
deliver it to the applicant with liberty to sell and to permit the Receiver



to obtain Police aid and to break open to premises within which the said vehicles are lying.

This application coming on this day before this court for hearing in the presence of Mr.R.Umashankar,for M/s. Sri and Shankar Associates, Advocates 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 R.Srinivasan filed herein,

it is ordered as follows:-

That Mr.Vikas Sharma, Manager of the applicant's branch at Dehradun, be and is hereby appointed as the receiver to seize the vehicle 2 Nos. ASHOK LEYLAND 3123 HEAVY GOODS VEHICLES morefully set out in the schedule hereunder, 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 his 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



4. That the order of appointment 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.135 of 2021 do stand closed.

SCHEDULE

(Details of the hypothecated vehicles)

2 Nos. ASHOK LEYLAND 3123 HEAVY GOODS VEHICLES

<i>Sl.No</i>	<i>CHASSIS NUMBER</i>	<i>ENGINE NUMBER</i>	<i>REGISTERED AS</i>
1	MB1JALHD4KPGH9458	KHPZ108084	UK 07 CB 6032
2	MB1JALHD0KPGH9456	KHPZ105021	UK 07 CB 6033

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 21ST DAY OF SEPTEMBER 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.



ED

27/09/2021

WEB COPY

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Arb. Appln. No.135 of 2021

ORDER

DATED : 21.09.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 04.10.2021

APPROVED ON: 05.10.2021

Copy to:-

Mr. Vikas Sharma,
Manager
Receiver,
M/s. Sundaram Finance Limited,
No.21, Patulous Road, Chennai.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR**ARB.APPL.No.135 of 2021**

Sundaram Finance Limited,
No.21,Patulous Road, Chennai
rep. By its Assistant General Manager- Legal,
Mr.Aluru Sri Krishna

...Applicant

..Vs..

Mr.Anil kumar Pandey,
Proprietor of mrs.Ganaga Suppliers,
Banjarawala Village & post ,
Haridwar Road, Dehradun
Banjarawala, Dehradun-248 001

..Respondent

PRAYER : Arbitration Application filed under Order XIV Rule 8 of O.S.Rules r/w Sec. 9(ii)(a)(b) & (e) of Arbitration and Conciliation Act, 1996, to appoint Mr.Vikas Sharma, the Manager of the applicant's branch at Dehradun, as the Receiver to take custody of the vehicles being 2 Nos. Ashok leyland 3123 Heavy Goods Vehicles more fully described in the Schedule to the Judge's Summons, from the respondent or wherever it is found and deliver it to the applicant with liberty to sell and to permit the advocate commissioner to obtain Police aid and to break open the premises within which the said vehicles are lying.

For Applicant : Mr.R.Umashankar

For Respondent : No appearance

**ORDER**

WEB COPY

(This case has been heard through video conference)

This application has been filed to appoint Mr. Vikas Sharma, the Manager of the applicant's branch at Dehradun, as the 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 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 11/06/2019, the respondent has availed a sum of Rs.73,70,000/-. 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. Vikas Sharma, the Manager of the applicant's branch at Dehradun, 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.
21.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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