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Arb Appln. No.130 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb Appln. No.130 of 2021

M/s. TVS Credit Services Limited,
Jayalakshmi Estates,
New No.29, Old No.8,
Haddows Road, Chennai - 600 006.
Represented by its Authorised Signatory

... Applicant

Vs.

Doodhnath Ram Nihor

... Respondent

Application filed under Order XIV Rule 8 of Original Side Rules r/w Sec 9 (ii) (a) (b) (d) & (e) of the Arbitration and Conciliation Act, 1996 to appoint employee of the Applicant viz. Mr.Ansar Ahamad Siddiqui, Territory Collection 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.

For Applicant : Mr. D. Pradeep Kumar.



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ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 seeking for appointment of a Receiver to repossess the vehicle which is the subject matter of the hypothecation with the applicant under the loan agreement entered into between the applicant and the respondent under which, the respondent has availed loan from the applicant for the purchase of a vehicle.

2. Notice was ordered by this Court on 10.08.2021 and till date notice has not been served on the respondent.

3. The learned counsel for the applicant would also submit that subsequent to the filing of this Application, Arbitration has been initiated in accordance with the Arbitration agreement and it is pending. This being the case, this Court is of the considered view that the applicant can very well approach the Arbitral Tribunal under Section 17 of the Arbitration and Conciliation Act, 1996 seeking for the same relief as sought for in this Application filed under Section 9 of the Arbitration and Conciliation Act, 1996. Accordingly, liberty is granted to the applicant



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to approach the Arbitral Tribunal for seeking the same relief as sought
for in this Application under Section 17 of the Arbitration and
Conciliation Act, 1996.

4. With the aforementioned direction, this Application is disposed
of. No costs.

18.11.2021

ab/vsi2

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order



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ABDUL QUDDHOSE, J.

vsi2

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