



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 29TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.A. No.523 of 2021

AND

Arb Appln No.191 of 2021

In the matter of Section 9 of
The Arbitration And Conciliation
Act, 1996

And

In the Matter of the Agreement
No.TN3000CA0015192 Dated
05-01-2020 Between the Parties
Herein.

M.Prabu,
Son of Murugesan,
No.8/35, Pillaiyar Kovil Street,
Kilanapuvankarai, Anna Nagar,
Chennai – 600 040.

... Applicant
in both Applications

-Versus-

M/s TVS Credit Service Ltd,
Rep by its Manager,
Bristol Tower, 2nd Floor,
No.10, South Phase,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai – 600 002,
Having Registered Office at
Chaitanya, No.12, Khader Nawaz Road,
Nungambakkam, Chennai – 600 006.

... Respondent
in both Applications



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O.A. No.523 of 2021:-

Original Application praying that this Hon'ble Court be pleased to grant an order of ad-interim injunction restraining the respondent, its men, agents, servants, subordinates or anybody claiming under it from selling or encumbering the TOYOTA INNOVA 2.5 V 7STR DIESEL VEHICLE bearing Registration No.TN-09-BT-5467 , which is subject matter of the Vehicle Loan Agreement TN3000CA0015192 DATED 05/01/2020.

Arb.A.No.191 of 2021:-

Arbitration Application praying that this Hon'ble Court be pleased to Grant an order of INTERIM DIRECTION to the respondent to restore the vehicle TOYOTA INNOVA 2.5 V 7STR DIESEL VEHICLE bearing Registration No TN-09-BT-5467, which is the subject matter of the Vehicle Loan Agreement TN3000CA0015192 DATED 05-01-2020 to the petitioner/applicant.

These applications are coming on this day before this court for hearing the court made the following order:

By consent of both the parties, Mr.Arvind Srevatsa is appointed as sole

Arbitrator to decide the dispute between the applicant and the respondent.



2. The sole Arbitrator shall decide the dispute between the parties after giving notice to the respective parties and by following the procedure contemplated under the Arbitration and Conciliation Act, 1996.

3. The Arbitrator shall fix his remuneration in accordance with the Arbitration and Conciliation Act, 1996 and its Rules.

4. O.A.No.523 of 2021: This application has been filed seeking for an order of Interim Injunction restraining the respondent from selling or encumbering the vehicle, which is the subject matter of the loan agreement dated 05.01.2020.

5. Arb.Appln.No.191 of 2021: This application has been filed by the applicant, seeking for an interim direction to the respondent to restore the vehicle which is the subject matter of the loan agreement entered into between the applicant and the respondent.

6. Learned counsel for the respondent, which is a Financial Institution, submits that the said vehicle has already been repossessed and sold on 18.08.2021.

7. The submission made by the learned counsel for the respondent is recorded.



8. If at all, the applicant is aggrieved by the same, he can approach the learned Arbitrator, appointed by this Court, under Section 17 of the Arbitration and Conciliation Act, 1996 for getting suitable orders in his favour.

9. After recording the submission made by the learned counsel for the respondent, A.No.523 of 2021 and Arb.Appln No.191 of 2021 are closed.

Sd/.A.Q.J.
29.11.2021

//Certified to be a true copy//

Dated at Madras this the day of 2021.

SU./14.12.2021

COURT OFFICER(O.S.)

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