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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.179 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 –
Mr.S.Raguman and another – Loan
Agreement No.P012900321; dated
31.07.2019.

M/s. Sundaram Finance Limited,
No.21, Patulous Road, Chennai.
Rep. By its Senior Manager – Legal,
Mr. S. Sornaraj.

... Applicant

Vs.

Mr.S.Raguman,
S/o.Mr.Selvaraj,
No.1/38, Mariamman Koil Street,
Gingee Taluk, Palavalam,
Tiruvannamalai – 606 754.

... Respondent

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

Mr.R.Karthikeyan, the Manager of the applicant's branch at

Tiruvannamalai, as the Receiver to take custody of the equipment being

<https://hcservices.ecourts.gov.in/hcservices/>

No.JCB BACKHOE LOADER 3 DX bearing Chassis



No:RAJ3DXSSLO2837132 and Engine No.H00225399 and bearing Registration No.TN-16-W-0716 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 the premises within which the said equipment is lying.

This application coming on this day before this court for hearing in the presence of Mr.R.Umashankar, 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 S.Sornaraj filed herein,

it is ordered as follows:-

That Mr.R.Karthikeyan, Manager of the applicant's branch at Tiruvannamalai be and is appointed as the receiver to seize the vehicle No. JCB BACKHOE LOADER 3 DX bearing Chassis No:RAJ3DXSSLO2837132 and Engine No.H00225399 and bearing Registration No.TN-16-W-0716, 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 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.179 of 2021 do stand closed.

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.)
From 25th Day of September 2008 the Registry is issuing certified
copies of the Orders/Judgments/Decrees in this format.



ED

27/09/2021

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Arb. Appln. No.179 of 2021

ORDER

DATED : 21.09.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 29.09.2021

APPROVED ON: 30.09.2021

Copy to:-

Mr.R.Karthikeyan,
Manager of the applicant's
Branch at Thiruvannamalai,
Receiver,
M/s. Sundaram Finance Limited,
No.21, Patulous Road, Chennai.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Arb.Appln.No.179 of 2021

Sundaram Finance Limited,
No.21,Patulous Road, Chennai
rep. By its Senior Manager- Legal,
Mr.S.Sornaraj.

...Applicant

..Vs..

S.Raguman

...Respondent

PRAYER : Arbitration Application filed under Order XIV Rule 8 of O.S.Rules read with Section 9(ii)(a)(b) and (e) of Arbitration and Conciliation Act, 1996, to appoint Mr.R.Karthikeyan, the Manager of the applicant's branch at Tiruvannamalai, as the Receiver to take custody of the equipment being No.JCB BACKHOE LOADER 3 DX bearing Chassis No:RAJ3DXSSLO2837132 and Engine No. H00225399 and bearing Registration No. TN-16-W-0716, from the respondent or 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 the premises within which the said equipment is lying.

For Applicant : Mr.R.Umashankar

For Respondent : No appearance

**ORDER**

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(This case has been heard through video conference)

This application has been filed to appoint Mr.R.Karthikeyan, the Manager of the Applicant's branch at Tiruvannamalai as the 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 31/07/2019, the respondent has availed a sum of Rs.24,30,000/-. 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.R.Karthikeyan, Manager of the applicant's branch at Tiruvannamalai 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.)