



WEB COPY

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 07TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.4966 of 2013

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Arbitration of the
dispute between L and T Finance Ltd.,
and M/s.Cape Infrastructure Pvt.Ltd.
Loan Agreement Deal No.762397
dated 25.07.2011

M/s.L &T Finance Ltd.,
Rep. by its Zonal Legal Manager
Mr.C.Balasubramanian
KGN Towers, 05th floor
No.62, Ethiraj Salai, (Commander-In-Chief Road)
Egmore, Chennai-600 105.

..Applicant

-Versus-

1.Ms.Cape Infrastructure Pvt. Ltd., (Borrower)
New No.9, Old No.3,
Jawahar Street, R.V.Puram,
Nagercoil, Kanyakumari - 629 001
Tamilnadu.

2.Ms.N.Vallikumari (Guarantor)
New No.9, Old No.3,
Jawahar Street,R.V.Puram,
Nagercoil, Kanyakumari - 629 001
Tamilnadu.



3.Mr.I.Krishnapillai
New No.9, Old No.3,
Jawahar Street, R.V.Puram,
Nagercoil, Kanyakumari - 629 001
Tamilnadu.

..Respondents

Application praying that this Hon'ble Court be pleased to pass on order of appointment of an Advocate Commissioner to seize and deliver the Assets morefully described in the schedule herein available at the Respondent's premises or wherever found and with whomsoever they are found and entrust the custody of the same to the Applicant and permit the Advocate commissioner to obtain Police aid and to break open the premises.

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed to appoint an Advocate Commissioner to seize and deliver the assets morefully described in the Schedule available at the respondent's premises or wherever found and with whomsoever they are found and entrust the custody of the same to the applicant and permit the Advocate Commissioner to obtain Police aid and to break open the premises.

2. Even though this application is pending from the year 2013, whether arbitration has been invoked or not has not been informed to this Court. But, a party seeks for interim protection, under Section 9 of the



Arbitration and Conciliation Act, has to exhibit the manifest intention to appoint an Arbitrator, to arbitrate the matter. However, no details were available on record.

3. In such a view of the matter, this Court is not inclined to pass any order. Hence considering the nature of delay, this Application is dismissed.

Sd/.N.S.K.J.
07.07.2021

//Certified to be a true copy//

Dated this the th day of 2021.

SU/22.07.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.