



A.No.6394 of 2019

A.No.6394 of 2019

WEB CO **N.SATHISH KUMAR, J.**

This application has been filed for appointing the Advocate Commissioner to seize the vehicle and repossess the vehicle in terms of Hire Purchase Agreement entered between the parties.

2. It is the case of the applicant that out of total 47 instalments to be paid by the respondents, only 25 instalments have been paid as on 24.08.2019. Thereafter, the amount has not been paid. Hence, this application has been filed for repossessing the vehicle under Section 9 of the Arbitration and Conciliation Act, 1996.

3. Heard the learned counsel for the applicant. It is relevant to note that there is a Hire Purchase Clause between the parties. The said agreement also provides reference to the Arbitral Tribunal in the event of the default. As per the applicant, the respondents have committed default on 24.08.2019 itself. Now, we are in the year 2024. Even now, no arbitral proceedings have initiated. When the Court has pointed query as to whether any arbitral



A.No.6394 of 2019

proceedings have been initiated in this matter, the answer is no.

WEB COPY

4. Such view of the mater, when the application is filed under Section 9 of the Arbitration and Conciliation Act, 1996, it is the established fact that the applicant has no manifest intention to arbitrate the issue, as a matter of right one cannot seek interim relief under Section 9 of the Act. Even, any interim order is passed within a period of 90 days from the date of such order, one has to take steps to refer the matter to the arbitration. Therefore, in the absence of the manifest intention on the part of the applicant to refer the dispute, despite the fact that the alleged default was committed in the year 2019 makes it clear that the applicant is certainly not entitled to interim relief under Section 9 of the Act.

5. Accordingly, this application stands dismissed.

24.01.2024

dhk



WEB COPY



A.No.6394 of 2019

N.SATHISH KUMAR, J.

dhk

A.No.6394 of 2019

24.01.2024