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Arb.Appln.No.768 of 2024



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G.K.ILANTHIRAIYAN, J.

This application has been filed for an order to appoint employee of the Applicant viz. Mr.P.Nagaraj, Senior Manager of the applicant as Receiver to seize and take possession of the vehicle, morefully described in the schedule to the Judges Summons.

2. The learned counsel appearing for the applicant would submit that the applicant had provided a loan to the respondents for the purchase of the aforesaid vehicle and also a Loan Agreement had also been entered by the respondents with the applicant on 15.06.2018. He would contend that the respondents were irregular in making the payment of instalments and that inspite of repeated demands, the respondents had failed to regularize the default and had continued not to pay the EMIs. He would further submit that considering the value of the amount to be recovered from the respondents, the applicant had sought for an appointment of a party receiver which would minimize the expenditure to the applicant and the respondents would also be benefited.

3. It is seen that already arbitration proceedings was initiated by the applicant in CP.No.KSG/SF/315/2022 and ex-parte award was

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passed by the arbitrator on 30.06.2023, thereby directed the respondents to pay a sum of Rs.4,07,154.26/- with interest. Now the outstanding due amount as on 22.10.2024 is Rs.6,14,568.68/-. Upon considering the facts and circumstances of the case and the submissions made by the learned counsel for the applicant, this Court is satisfied with the prayer sought for in this application and in fine, Mr.P.Nagaraj, Senior Manager of the applicant is appointed as Receiver to seize and take possession of the vehicle from the respondents or any place belonging to the respondents or wherever found and with whomsoever it is found. It is also made clear that if police help is required, the Party Receiver shall make a request to the local police station within whose jurisdiction the vehicle is found and on such request being made, the Station House Officer shall send the Police Personnel along with the Party Receiver to seize the vehicle. If break open of a lock is required the Party Receiver shall do so in the presence of the police personnel who will counter sign the record evidencing the break open of the lock and to re-lock the premises. If the Party Receiver finds any difficulty with the jurisdictional police, he is at liberty to approach Superintendent of Police, who shall provide all necessary assistance to him at the time of seizure of the vehicle.

4. It is made clear that the Party Receiver has to complete the



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above proceedings within a period of three months from the date of receipt of copy of this order, failing which the present application shall stand automatically closed.

5. Accordingly, this application is allowed.

30.10.2024

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