

Misc. Case No. 16755 of 2025

IN THE COURT OF LD. JUDGE, BENCH XI, CITY CIVIL COURT, CALCUTTA

AXIS BANK LIMITED

..... **Petitioner**

Vs.

ABHIJIT JENA

..... **Respondent(s)**

Present: Sri. Manojyoti Bhattacharyya, Judge, Bench XI, City Civil Court, Calcutta
(J.O. Code: WB00392)

Order No.02 / dated 10.12.2025

Record is placed before me.

From the office report it appears that, no caveat has been filed till date.

The application under Section 9 of Arbitration and Conciliation Act is moved before this court by the Ld. Advocate for the petitioner praying for interim order for appointment of Receiver in terms of the prayer. The application is supported by an Affidavit and some annexures.

Perused the application along with copies of documents annexed thereto including the loan agreement.

Issue notice upon the Respondents to show cause within 20 (twenty) days from the date of receipt of the same.

It is submitted by Ld. Advocate for the petitioner that respondents took loan of Rs.784000/- but there are several EMIs remain dues and for which a demand notice was served upon respondents. Ld. Advocate for the petitioner further submitted that there is an apprehension that the subject vehicle may be removed by the Respondents to some unknown place or alienate the same and has prayed for appointment of Receiver for the purpose of tracing and taking possession of the vehicle.

It appears from the Agreement that all differences, disputes are to be referred to an Arbitrator appointed by the petitioner. In this case, the Arbitrator has not yet been appointed by the petitioner in terms of the relevant Agreement. It also appears from the record that a huge amount of money is still due and payable by the Respondents to the petitioner in terms of the agreement between the parties. It further appears that demand notice has already been served by the petitioner upon the Opposite Parties but in spite of the same Opposite Parties did not pay the outstanding dues. It is stated in the application u/s 9 of the Arbitration & Conciliation Act that respondents are in the process of making third party interest in the vehicle in apprehension of institution of litigation by the petitioner.

In view of the facts stated above, there appears a strong prima-facie case for appointment of Receiver for preservation of the vehicle in question. In view of urgency in the matter and the circumstance as stated, the prayer for ad-interim order for appointment of Receiver is considered and allowed for protection and preservation of the vehicle in question, on condition that petitioner shall take immediate steps to refer the matter to an Arbitrator within 90 days from this date in terms of Section 9 of Arbitration & Conciliation Act 1996 in default this Order will be vacated automatically.

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Accordingly, **Sukanta Mondal, Ld. Advocate** be appointed as Receiver for the purpose of taking possession of **vehicle** being **HONDA CAT C/AMAZE MMC 1.2 S MT (I-TEC) (Model)** bearing **Registration No.OD01AN7745, Engine No.L12B47530631 and Chassis No.MAKDF556DN4309620.**

The Receiver is authorised to take all necessary steps in accordance with law for the aforesaid purpose of taking possession of vehicle including appointment of agent and also to take police help if at all necessary from the concerned police station for the aforesaid purpose and shall make an inventory in respect of the vehicle in question in details and shall make over the copies thereof to the parties and submit report before this court on the next date fixed positively. The Officer-in-Charge of the concerned P.S. is requested to render all lawful assistance to the Receiver for implementation of the order.

So long as the vehicle in question shall remain in custody of Receiver, he/she shall remain responsible for any loss or damage, if any, caused to the vehicle. The receiver shall not dispose of, alienate or transfer the vehicle in question and shall not change the nature and character of vehicle in question in course of his/her custody.

The remuneration of the Receiver is provisionally assessed at **Rs.6,000/-**. The petitioner is directed to pay the said fees to the Ld. Receiver.

Let a copy of this order be handed over to the receiver for information and necessary compliance.

The petitioner is directed to file report regarding commencement of Arbitral Proceeding in view of Section 9 of Arbitration & Conciliation Act 1996 by the next date, in default, necessary order will be passed.

Issue notice upon the Opposite Parties.

Fix **28.09.2026** for S/R and submission report by Ld. Receiver.

Requisites be filed at once.

Dictated & corrected by me,

Sd/-
Judge.

Sd/- (M. Bhattacharyya)
Judge, Bench XI,
City Civil Court, Calcutta.