

IN THE COURT OF AMAR PAUL
ADDITIONAL DISTRICT JUDGE LUDHIANA.

Arbitration No.2901/2017
Date of decision 28.10.2017

Hinduja Leyland Finance Vs.Rajesh Kumar

“Petition under Section 9 of the Arbitration and Conciliation Act 1996.”

Present: Sh.Ritesh Mohindra, Advocate for the petitioner.

ORDER:

Heard. Alongwith petition, an application for interim relief has been filed. In the application, prayer for appointment of exparte receiver to take the vehicle Ashok Leyland AL 4019 IL bearing registration No.PB-03-AJ-5466 and Engine No.Z111599 and Chassis No. M6399 into possession has been made.

In support of its case, the petitioner has relied upon the Affidavit of Sh.Amandeep Singh Signatory of Hinduja Leyland finance Limited, at No.1 Sardar Patel Road, Guindy, Chennai and having its Branch office at Plot No.194, Sai Kirpa Tower, Industrial Area-A Cheema Chowk Ludhiana, copy of special power of attorney in favour of Amandeep Singh, copy of the loan-cum-hypothecation agreement, copy of loan account statement and copy of foreclosure statement etc.

The learned Counsel for the applicant has also relied upon pronouncement “Citicorp Finance Ltd. Vs.Neeraj Jain and Anr.FAQ 285/2005 and Escort Finance Limited Vs. Hilton Rubber Ltd.and Others, II(2003) BC-16” of the Hon'ble Delhi High Court wherein petition under Section 9 of the Arbitration and Conciliation Act, 1966, was allowed subject to

the correction mentioned in Para No.14 thereof. So, similar directions have rightly been sought to be issued, by the petitioner in this petition. Since, the facts of the case in hand and the ruling, *ibid*, are the same, therefore, there is no impediment in acceptance of the prayer for interim relief *ex parte* which ought to be and is hereby accepted *ex parte* subject to the following extent and directions:

I) The DSP of the concerned quarter shall stand appointed as receiver with direction to forthwith seize vehicle Ashok Leyland AL 4019 IL bearing registration No.PB-03-AJ-5466 and Engine No.Z111599 and Chassis No. M6399 whose remuneration to the tune of Rs.2000/- shall be paid by the petitioner.

(II) The receiver will release the vehicle to the respondent if he make the payment of the disputed amount to the petitioner, at the time of seizure of the vehicle *ibid*.

(III) The petitioner will appoint an arbitrator within a period of one month from today for adjudication of the matter in dispute.

(IV) The receiver shall also take photographs of the seized vehicle from the different angles.

(V) In case during the period of 30 days, the arbitrator is not appointed, the seized vehicle shall be returned to the respondent.

Notice of the petition be issued to the respondent for 15.12.2017 asking him to show cause why the order may not be confirmed.

Komal
Stenographer

Amar Paul
UID-PB0450
ADJ 28.10.2017

Next date:- 15.12.2017
Purpose:-