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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb Appln No. 241 of 2026

Tata Capital Limited,
By its Associate Legal Remedial,
Ram Kumar Sathyamoorthy,
Having its office at
1st Floor, Centennial Square,
6A-Dr.Ambedkar Salai,
Kodambakkam, Chennai – 600024. ..Applicant(s)

Vs

Bharathi R

..Respondent(s)

Prayer: To pass an order appointing Mr.Bharathidasan M employee currently in the applicant company with Employee Code 866056 as Receiver to seize and deliver the asset CEQ-JS81, bearing Engine No.4H21882320365 and Chassis No.PUNJD81AJP3273425 situated at 5 342 Garden Bharathipuram, Thalavadi Post, Land mark-Itself, Periyar, Tamil Nadu-638461 or wherever it is found more fully described hereunder, with police aide or break open the premises from wherever found and handover the same to the applicant.

For Applicant(s) : Mr.N.K.Vanan

For Respondent(s) : No appearance

ORDER

This application has been filed for an order of appointment of a Receiver to seize and deliver the vehicle CEQ-JS81, bearing Engine No.4H21882320365 and Chassis No.PUNJD81AJP3273425 available at respondent's premises or

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wherever found and permit the Receiver to obtain police aid and to break open the premises.

2. The learned counsel appearing for the applicant would submit that the applicant provided a loan to the respondent for the purchase of the asset vehicle and also a Loan Agreement had also been entered by the respondent with the applicant on 26.02.2024. The brief details in nutshell are as follows:

S.No.	Particulars	Remarks
1	Name of the Lender	Tata Capital Limited
2	Name of the Borrower	Bharathi R
3	Date of the Loan Agreement	26.02.2024
4	Loan amount	Rs.29,44,282/-
5	No. of installments	59 @ 66,845/-
6	First installment	15.03.2024
7	Last installment	15.01.2029
8	Notice	04.07.2025
9	Reply to the Notice	Nil
10	Rate of interest	11.80% p.a.
11	Amount claimed	Rs.22,48,818/- as on 19.01.2026
12	Arbitral proceedings initiated	Undertakes to initiate

3. The learned counsel for the applicant further submits that the respondent, having availed the loan, failed to repay the same. He would submit that the hypothecated vehicle is a movable asset and if it is kept in idle condition, it would get damaged and its value also gets deteriorated and hence

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he would urge this Court to appoint an Advocate Commissioner to re-possess the asset morefully described in the schedule to the Judges summons available at the respondent's premises, in order to make the security effective and the money in dispute in arbitration is fully secured by way of sale of the vehicle in public auction after following due process of law.

4. In spite of notice having been served on the respondent, the respondent had neither chosen to appear before this Court in person nor is being represented by a counsel. The name of the respondent has been reflected in the cause-list. He was called absent and set *ex parte*.

5. I have considered the submissions made by the learned counsel for the applicant and also perused the materials placed on record.

6. Upon considering the facts and circumstances of the case and the submissions made by the learned counsel for the applicant, this Court is satisfied that the applicant has made out a *prima facie* case in its favour but is not inclined to appoint a Party-Receiver. Accordingly, Ms.D.Annibesant, Enrl.No.1583/2001, having her office at Women Lawyer's Association, 1st Floor, Additional Law Chamber, High Court Building, Chennai-600 104, (Mob. No. 98-4040-5301) is appointed as the Advocate Commissioner to seize the vehicle CEQ-JS81, bearing Engine No.4H21882320365 and Chassis

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No.PUNJD81AJP3273425 to the custody of the applicant, available at the respondent's premises or wherever found and with whomsoever it is found and hand over the same to the custody of the applicant. She shall be paid her initial remuneration of Rs.30,000/- (Rupees Thirty Thousand Only) in advance. The expenses towards her travel and stay shall be defrayed by the applicant. The said initial remuneration shall be paid to the Advocate Commissioner within a period of two weeks from the date of receipt of communication from her.

7. It is hereby made clear that if police help is required, the Advocate Commissioner 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 Advocate Commissioner to seize the vehicle. If break open of a lock is required, the Advocate Commissioner 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 Advocate Commissioner find any difficulty with the jurisdictional police, she is at liberty to approach Superintendent of Police, who shall provide all necessary assistance to the Advocate Commissioner at the time of seizure of the vehicle. After the seizure, the vehicle is to be handed over to the applicant or to their representative, after taking inventories.

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8. If the respondent makes good the unpaid installments or makes substantial payments of the dues to be paid to the satisfaction of the applicant, the applicant shall return the asset in the condition it was re-possessed.

9. With the above terms, this application stands disposed of.

08-07-2026

Maya

Copy to

Ms.D.Annibesant,
having her office at
Women Lawyer's Association,
1st Floor, Additional Law Chamber,
High Court Building,
Chennai-600 104.
(Mob. No. 98-4040-5301)

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K.KUMARESH BABU, J.

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