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Arb Appln No. 734 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb Appln No. 734 of 2026

M/s.Cholamandalam Investment and
Finance Company Limited,
Chola Crest, C54-55 & Super B – 4,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032,
Represented by its Authorised Signatory.

..Petitioner(s)

Vs

Roshani K, W/o.Sani Deval

..Respondent(s)

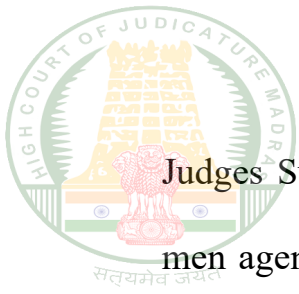
Prayer Arbitration Application under Order XIV Rule 8 of Original Side Rules read with Section 9(1)(ii)(a)(b)(d) & (e) of the Arbitration and Conciliation Act, 1996 praying to appoint employee of the Applicant viz., Mr.Mohit Dixit, Area Receivables Manager, as Receiver to seize and take possession of the vehicle which is morefully described in the schedule to the Judges Summons which is lying in the custody of respondent or respondent's men, agents, servants from respondent premises or wherever found with Police aid and break open of premises if necessary.

For Petitioner(s): Mr.D.Pradeep Kumar

For Respondent(s): Mr.A.Edwin Prabakar

ORDER

This application has been filed to appoint the employee of the Applicant viz., Mr.Mohit Dixit, Area Receivables Manager, as Receiver to seize and take possession of the vehicle which is morefully described in the schedule to the

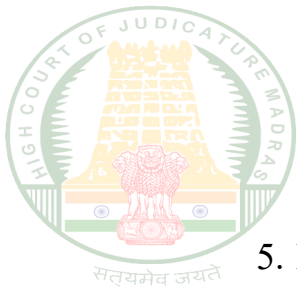


Judges Summons which is lying in the custody of respondent or respondent's men agents, servants from respondent premises or wherever found with Police aid and break open of premises if necessary.

2. The learned counsel appearing for the applicant would submit that the applicant had provided a loan to the respondent for the purchase of the vehicle TATA PUNCH, bearing Engine No.REVTRN20BWXM24607, Chassis No.MAT634033PPB22356 and Registration No.UP-75-AQ4162 and also a Loan Agreement had also been entered by the respondent with the applicant on 13.04.2023. He would contend that there are some unremained installments that are to be made by the respondent and that in spite of repeated demands, the respondent had failed to regularize the default and had continued to not pay the EMIs. He would further submit that considering the facts of the case, the applicant had sought for an appointment of the Party Receiver which would be more effective.

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

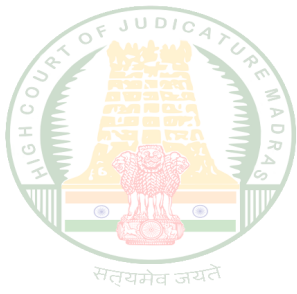
4. It is submitted by the learned counsel appearing for the respondent that a settlement had been arrived at for repayment of the dues and that as per the settlement, a portion of the amount had also been paid by the respondent.



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5. In such view of the matter, the application stands disposed of with the following directions:-

- (i) If the respondent fails to adhere to the settlement and defaults in payment of any one of the installments, the applicant would be entitled to repossess the vehicle through the Party Receiver.
- (ii) For the said purpose, Mr.Mohit Dixit, Area Receivables Manager, is appointed as Party Receiver to seize and take possession of the asset TATA PUNCH, bearing Engine No.REVTRN20BWXM24607, Chassis No.MAT634033PPB22356 and Registration No.UP-75-AQ4162 from the respondent or any place belonging to the respondent or wherever found and with whomsoever it is found.
- (iii) For the said purpose, 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.
- (iv) For the said purpose, if break open of a lock is required, the Party Receiver shall do so in the presence of the Police



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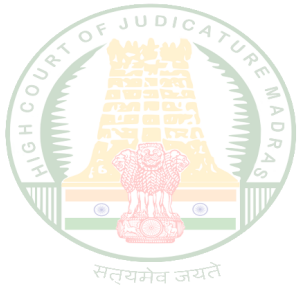
Personnel who will counter sign the record evidencing the break open of the lock and to re-lock the premises. If the Party Receiver finds any difficulty with the jurisdictional police, he is at liberty to approach Superintendent of Police, who shall provide all necessary assistance to him at the time of seizure of the vehicle.

- (v) 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-possessioned.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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K.KUMARESH BABU, J.

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