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Arb Appln No.756 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 06-08-2026**

CORAM

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**Arb.Appln. No.756 of 2026**

Tata Capital Limited,  
By its Manager & Legal Remedial,  
Ram Kumar Sathya Moorthy,  
Having its office at  
1<sup>st</sup> Floor, Centennial Square,  
6A-Dr.Ambedkar Salai,  
Kodambakkam, Chennai – 600 024,  
Tamil Nadu.

..Applicant

Vs

Vignesh T.

..Respondent

**Prayer :** to pass an order appointing Mr.Bharathidasan, employee code: 866056, currently employed in the applicant Company as Receiver to seize and deliver the asset CEQ-TATA 1212LPT DCR45CBC bearing Engine No.3.3LNGD06DXX510234 Chassis No.MAT785005N7D08736 Reg No:TN30CW1702 situated at No. 5 5 463 North Street Vadipatti Taluk Gandhi Gramam Kallanai Madurai Tamil Nadu – 625 501 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 : Mr.N.K.Vanan

For Respondent : No appearance

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**ORDER**

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This application has been filed to appoint Mr.Bharathidasan, employee code: 866056, currently employed in the applicant Company as Receiver to seize and deliver the asset CEQ-TATA 1212LPT DCR45CBC bearing Engine No.3.3LNGD06DXX510234 Chassis No.MAT785005N7D08736 Reg No:TN30CW1702 situated at No. 5 5 463 North Street Vadipatti Taluk Gandhi Gramam Kallanai Madurai Tamil Nadu – 625 501 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.

2. During the earlier hearing on 18.06.2026, this Court had passed the following order:-

“ ....

*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 19.03.2025. The brief details in nutshell are as follows:*

| <b>S. No.</b> | <b>Particulars</b>                | <b>Remarks</b>               |
|---------------|-----------------------------------|------------------------------|
| 1             | <i>Name of the Lender</i>         | <i>Tata Capital Limited,</i> |
| 2             | <i>Name of the Borrower</i>       | <i>Vignesh T.</i>            |
| 4             | <i>Date of the Loan Agreement</i> | <i>19.03.2025.</i>           |



|    |                                   |                                 |
|----|-----------------------------------|---------------------------------|
| 5  | Loan amount                       | Rs.12,58,000/-                  |
| 6  | No. of installments               | 48 Instalments @<br>Rs.27,351/- |
| 7  | First installment                 | 05.04.2025                      |
| 8  | Last installment                  | 05.02.2026                      |
| 9  | Notice                            | 02.03.2026                      |
| 10 | Reply to the Notice               | Nil                             |
| 11 | Rate of interest                  | 17.01%                          |
| 12 | Arbitration proceedings initiated | Yes                             |

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 he would urge this Court to appoint an Advocate Commissioner to reposses 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. A perusal of the affidavit of service filed, accompanied by the tracking sheet, would indicate that the notice sent by the applicant had been delivered to the addressee. However, Notice



*sent through Court is still awaited.*

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

*6. In order to protect the interest of the applicant, this Court is of the view that an Advocate Commissioner could be appointed.*

*7. In fine, M/s.T.Vidhyasagar, Advocate, Enrl No:3458/2010, Women Lawyer's Association, 1<sup>st</sup> floor, Addl Law Chamber, High Court Building, Chennai – 104 (Mobile No:9710841409) is appointed as Advocate Commissioner to seize and take possession of the asset viz., CEQ-TATA 1212LPT DCR45CBC bearing Engine No.3.3LNGD06DXX510234 Chassis No.MAT785005N7D08736 Reg No:TN30CW1702 from the respondent or any place belonging to the respondent or wherever found and with whomsoever it is found. 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.*

*8. It is hereby made clear that if police help is required, the*



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*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.*

*9. 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. It is made clear that the asset shall be maintained in good condition and be only dealt with subject to the award to be passed by the Arbitrator.*

*10. Issue fresh notice to the respondent returnable in six(6) weeks. Private notice is also permitted.*



*11. List the matter after six weeks.”*

3. In spite of the fact that the Court notice had been served on the respondent and the name of the respondent had been printed in the cause-list, there was no appearance either in person or through counsel. He was called absent and set *exparte*.

4. In view of the above, the order of this Court dated 18.06.2026 is made absolute and this application stands disposed.

*Maya*

**06-08-2026**



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**K.KUMARESH BABU, J.**

*Maya*

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