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Arb Appln No. 1148 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. 1148 of 2025

Electronica Finance Ltd
No. 1167, T.V.S. Colony, Anna Nagar, West
Extension Chennai - 600 101

..Petitioner(s)

Vs

1. Natlin Engineering Works
Plot No.287, Industrial Estatee,
Thirumudivakkam, Kanchipuram, Tamil Nadu
600 044.
2. James Ronald
No. 2A Amman Kovil Street Nehru Nagar,
Pozhichalur, Chengaianna, Kancheepuram
Tamil Nadu - 600 074
3. Helen Suja James Ronald
No.2a, Amman Kovil Street, Nehru Nagar,
Pozhichalur, Chengaianna, Kancheepuram,
Tamil Nadu- 600 074,

..Respondent(s)

Prayer: Application filed under Order XIV Rule 8 Original Side Rules R/W.
section 9(1)(ii)(a)(d) of the Arbitration and conciliation Act of 1996, for
appointment of an Advocate Commissioner to seize and deliver the Machineries
morefully described in the schedule herein available at the Respondents



premises or wherever found and with whomsoever it is found and entrust the custody of the same to the Applicant and permit the Advocate Commissioner to obtain police aid and to break open the premises.

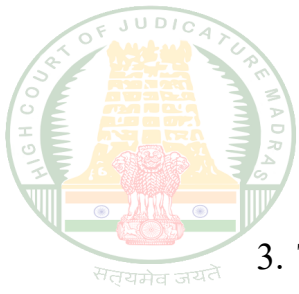
For Petitioner(s): Mr.Karthik.C.Prince
for M/S.S.Namasivayam

For Respondent(s): M/s.P.Sam Japa Singh

ORDER

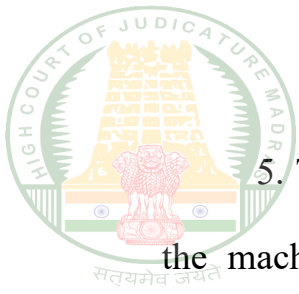
In the instant application, by order dated 20.08.2025, the learned Advocate Commissioner was appointed ex parte to secure the assets, and notice was ordered to the respondents. Thereafter, when the matter was taken up on 29.10.2025, the learned Advocate Commissioner filed his report stating that the machineries had been seized and handed over to the applicant. The matter was thereafter adjourned to enable the respondents to file their counter.

2. By a further order on 04.12.2025, noting that there was an admission by the respondents with regard to the amount payable being only Rs.8,39,682/- as against the applicant's claim of Rs.19,31,986/-, this Court, in order to balance the rights of the parties, directed the respondents to pay a sum of Rs.8,40,000/-, and if the same was paid, the machineries would be handed over to the respondents, upon the respondents filing an affidavit that they would not encumber the same.



3. The matter was again taken up for further hearing on 24.02.2026. On that day, a statement had been made by the applicant that the applicant had already sold the machineries. On 24.02.2026, this Court directed the matter to be listed for further hearing on 26.02.2026, noting the earlier orders passed by this Court and also that the respondents had deposited the sum. This Court found that the non-disclosure of the sale of the machineries before this Court was nothing short of contumacious conduct and amounted to an abuse of the process of Court, and called upon the applicant to explain as to why he should not be punished for contempt of Court.

4. Pursuant thereto, the applicant was present before the Court and was directed to appear before the Court by filing an affidavit. As no affidavit had been filed, the matter was further adjourned to various dates and has been taken up today. An affidavit has been placed on record stating that there had been no ill intention on the part of the applicant in not bringing to the notice of the Court the sale of the machineries and that the applicant had taken steps to retrieve the machineries from the purchaser and had successfully redelivered the machineries to the respondents on 06.03.2026. He had also tendered his unconditional apology for his wrongful action.



5. The learned counsel appearing for the respondents fairly admitted that the machineries had been redelivered. However, it was submitted that the machineries were returned in a damaged condition.

6. Considering the fact that the machineries, which had been repossessed through the learned Advocate Commissioner pursuant to the orders of this Court and subsequently sold to third parties during the pendency of the present application, had been secured from the purchaser by the applicant and redelivered back to the respondents also takes note of the unconditional apology tendered by the applicant and the fact that he has remained present before this Court on every hearing pursuant to the order dated 26.02.2026, this Court is satisfied that the apology is bonafide and, therefore, accepts the same. Consequently, this Court does not propose to proceed further against the applicant for contempt.

7. Apart from the fact that the machineries that had been seized had been redelivered to the respondents, and as the undisputed amount, being the admitted liability, had been paid to the applicant, and an undertaking affidavit had also been given by the respondents not to deal with the property till the arbitration proceedings are over. This Court is of the view that there is no further adjudication required to be made in the present application.



8. Accordingly, leaving open the liberty to the respective parties to adjudicate their claims before the Arbitrator, the present application stands closed. No order as to costs.

01-07-2026

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

MPA
To

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K.KUMARESH BABU, J.

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