

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.11.2016

Coram

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

A.No.2223 of 2016

M/s.Cholamandalam Investment and
Finance Company Limited,
'Dare House', No.2, NSC Bose Road,
Parrys, Chennai – 600 001,
represented by its Authorized Signatory .. Applicant

vs.

Mr.Navnath Dattu Darwatkar .. Respondent

Prayer : Application filed under Order XIV, Rule 8 of the Original Side Rules read with Section 9(ii)(a)(b)(c) and (e) of the Arbitration and Conciliation Act, 1996 praying to appoint an advocate Commissioner to seize and deliver the vehicle to applicant, which is morefully described in the custody of respondent, or his men, agents, servants, from his premises at A/P, Rajane Velha-Tal, Pune District, Maharashtra 411 142, or wherever found with police aid and break open of premises if necessary.

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For Applicant : Mr.D.Pradeep Kumar

For Respondent : NA

Mr.N.Nirmalraj,
Advocate Commissioner

ORDER

1. Mr.D.Pradeep Kumar, who appears for the applicant, says that the subject vehicle has been seized by the learned Advocate

Commissioner, and that, the same has been handed over to the applicant.

2. To be noted, the respondent has chosen not to appear before this Court, despite service.

3. The record shows that the Advocate Commissioner was appointed by this court vide order dated 27.04.2016, and at that point in time, a sum equivalent to Rs.15,000/- was fixed as initial remuneration.

3.1. I am informed by the learned Advocate Commissioner, who is present in Court, as well as by the learned counsel appearing for the applicant that the said sum of Rs.15,000/- towards fee was paid.

3.2. However, the Advocate Commissioner prays for award of additional remuneration, as the warrant was executed in the State of Maharashtra. To be noted, the Advocate Commissioner has filed his report, dated 03.11.2016, with the Court.

4. Having regard to the overall circumstances, an additional fee equivalent to a sum of Rs.15,000/- (Rupees fifteen Thousand only) will be paid to the learned Advocate Commissioner by the applicant within a period of one week of the receipt of a copy of the order.

5. I am informed by the counsel for the applicant that Arbitration Proceedings have been initiated and, consequent thereto, an award has been passed in the matter on 31.08.2016, concerning the parties.

5.1. Learned counsel for the applicant prays that the application be closed.

5.2. Accordingly, it is so ordered.

6. It is made clear that the parties will be at liberty, hereafter, to take steps, *albeit*, in accordance with law.

17.11.2016

RAJIV SHAKDHER, J.

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