

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :10.11.2016

Coram

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

A.No.4279 of 2016

M/s.Cholamandalam Investment and Finance
Company Limited,
'Dare House', No.2, N.S.C. Bose Road,
Parrys,
Chennai - 600 001.

Represented by its Authorised Signatory

[APPLICANT]

Vs

Mr.Shyam Sundar Singh

[RESPONDENT]

Application filed under Order XIV Rule 8 of O.S.Rules read with
Section 9 (2) (a) (b) & (e) of the Arbitration and Conciliation Act, 1996.

For Applicant : Mr.N.Santhosh Nagarajan

For Respondent : No Appearance

ORDER

1. The Advocate Commissioner has filed his report dated 10.11.2016.

2. I am informed by the learned counsel for the applicant that the subject vehicle has been seized by the learned Advocate Commissioner and the same has been handed over to the applicant.

3. To be noted, the respondent has not appeared before this Court, despite service.

4. 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, at the initial stage, a sum of Rs.20,000/- towards fee was paid. Request is made by the learned Advocate Commissioner for payment of additional remuneration, as the warrant was executed in the State of Jharkhand.

5. Having regard to the overall circumstances, an additional fee equivalent to a sum of Rs.10,000/- (Rupees Ten Thousand only) will be paid to the learned Advocate Commissioner by the applicant, within a period of one week from the date of receipt of a copy of the order.

6. I am informed that the Arbitration Proceedings were initiated and are pending adjudication.

7. The above Application is disposed of with the following directions:-

7.1) The applicant will not alienate or sell or create any third party rights in the subject vehicle, till further orders of the learned Arbitrator.

7.2) Needless to say that parties will be at liberty, hereafter, to file an Application under Section 17 of the Arbitration and Conciliation Act, 1996 before the learned Arbitrator. The learned Arbitrator will, however, issue notice to the respondent, if not already done so, before proceeding further in the matter.

8. It is made clear that the respondent will be at liberty to seek vacation or modification of the orders passed by this Court. In such an eventuality, the learned Arbitrator shall pass appropriate orders, *albeit*, in accordance with law.

10.11.2016

vsm

RAJIV SHAKDHER,J.

vsm

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