

A.No.2350 of 2019**R.SURESH KUMAR,J.**

The prayer sought for herein is to appoint an Advocate Commissioner to repossess the vehicles described in the schedule to the Judges Summons, with police aid and break open the lock of the premises if found necessary, pending conclusion of the arbitration proceedings.

2. Heard the learned counsel appearing for the applicant.

3. This Court by order dated 25.03.2019, appointed an Advocate Commissioner to seize the vehicles in question, pursuant to which, the learned Advocate Commissioner to seize the vehicle and to execute the warrant, spent three days in New Delhi and he was able to secure three out of twenty vehicles in a show room and handed over to the applicant company. Though thirteen vehicles have been found at a stockyard, those vehicles could not be seized because of the stiff resistance of the yard owner, for the alleged reason of the rental due payable by the respondents to the stockyard. In this regard, the learned Advocate Commissioner has filed a report.

4. At this juncture, the learned counsel appearing for the applicant has submitted that, the applicant has received e-mail

communication stating that, the remaining thirteen vehicles which were found at the yard mentioned above has also been successfully moved out and it has been repossessed by the applicant.

5. Insofar as the remaining four vehicles out of the twenty vehicles, since those four vehicles are missing, the learned counsel for the applicant wants to workout his remedy in the manner known to law.

6. The learned Advocate Commissioner having filed a report, has claimed for additional remuneration for the efforts taken by him to execute the warrant issued by this Court.

7. Taking into consideration, the over all aspects and factual matrix of this case and also the reasons that, the thirteen vehicles also were repossessed by the applicant, this Court is inclined to pass the following order:

"(i) That 3+13=16 vehicles were repossessed by the applicant from the respondents and the same is hereby recorded. With regard to the remaining four vehicles, it is open to the applicant to work out its remedy in the manner known to law to seize the vehicles or to take remedy for such missing vehicles.

(ii) Insofar as the Advocate Commissioner's remuneration is concerned, apart from the initial remuneration he has already been paid by the applicant, an additional remuneration of Rs.1,00,000/- (Rupees One Lakh Only) shall be paid to the Advocate Commissioner within a period of one week from the date of receipt of a copy of this order.

8. The duplicate key of the showroom, from which the three vehicles were taken possession by the applicant through the Advocate Commissioner, has been produced before this Court by the Advocate Commissioner, the said key has now been handed over to the applicant. And it is for the applicant to entrust the same to the show room owner after getting appropriate acknowledgment. If the applicant is not able to meet the respondents or the building owner, the key can be handed over to the concerned Jurisdictional Police with appropriate acknowledgment and when the police finds the availability of the respondents or the building owner, the key can be handed over to him by the police.

With these directions this application is closed.

30.04.2019

vji

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