

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 15TH DAY OF JULY 2019

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

A. No.7614 of 2017

and

A.No. 3989 of 2017

in

A.No.2748 of 2017

A.Nos.2748 & 7614 of 2017:

In the matter of Arbitration &
Conciliation Act, 1996

And

In the matter of Dispute between
Dugar Finance & Investments
Ltd.,
and

M.Dilly and another Agreement
Dated 27.08.2013

M/s. Dugar Finance & Investments Ltd.,

Represented by its Manager (Legal)

Mrs.P.M.Beaula Supriya,

"Dugar Towers", 7th Floor,

No.34, (123) Marshalls Road,

Egmore, Chennai 600 008.

: Applicant

Vs.

1. Mr.M.Dilly,

S/o.K.Munusamy,

No.1/116, Karumariamman Koil Street,

Attanthangal Village, Sholavaram,

Chennai 600 067.

2. Mr.D.Nagaraj,
S/o.G.Durai Babu,
No.62, Perumnal Koil Street,
Devenari Village,
Sholavaram,
Chennai 600 067.

: Respondents

A.No.7614 of 2017:

Application praying that this Hon'ble Court be pleased to pass an order directing the first respondent to surrender the vehicle more fully described in the schedule to the petition.

A.No.3989 of 2017:

Mr.M.Dilly,
S/o.K.Munusamy,
No.1/116, Karumariamman Koil Street,
Attanthangal Village, Sholavaram,
Chennai 600 067.

: Applicant/1st Respondent

Vs

1. M/s. Dugar Finance & Investments Ltd.,
Represented by its Manager (Legal)

Mrs.P.M.Beaulaw Supriya,
"Dugar Towers", 7th Floor,
No.34, (123) Marshalls Road,
Egmore, Chennai 600 008.

: 1st Respondent/Applicant

2. Mr.D.Nagaraj,
S/o.G.Durai Babu,
No.62, Perumnal Koil Street,
Devenari Village,
Sholavaram,
Chennai 600 067.

: 2nd Respondent/2nd Respondent

3. Mr.M.Adeeb Mohammed
No.104, Additional Law Chamber,
High Court of Madras
Chennai. : 3rd Respondent/Advocate Commissioner

Application praying that this Hon'ble Court be pleased to stay the execution of warrant issued to the Advocate Commissioner by order dated 28.04.2017 in A.No.2748 of 2017.

These Applications coming on this day before this court for hearing, the Court made the following order:-

A.No.2748 of 2017 has been filed by the finance company for an appointment of Advocate Commissioner to seize and deliver the schedule mentioned vehicle from the respondents and on 28.04.2017, this Court appointed an Advocate Commissioner.

2. A.No.3989 of 2017 has been filed by the first respondent to stay the execution of warrant issued to the Advocate Commissioner.

3. A.No.7614 of 2019 has been filed by the finance company to direct the first respondent to surrender the

vehicle morefully described in the schedule to the Judges Summon.

4. Earlier on 02.03.2018 in O.P.No.943 of 2017 filed by the first respondent, this Court has modified the award amount of Rs.4,45,260/- and also interest from 18% to 12% per annum. As per the said order, the amount of Rs.5,17,000/- has been paid today to the applicant/finance company and the same is recorded.

5. The learned counsel for the respondents prays for return of R.C.Book and also 'No Objection Certificate' to the respondents as the entire amount has been paid.

6. Accordingly, the R.C.Book has to be returned along with No Objection Certificate to the respondents within a week from the date of receipt of a copy of this order.

7. The Advocate Commissioner has also filed a report dated 08.09.2017. Since the warrant has been executed by the

Advocate Commissioner, a further sum of Rs.10,000/- (Rupees
<https://hcservices.ecourts.gov.in/hcservices/>

Ten Thousand only) is directed to be paid by the applicant as additional remuneration within a period of two weeks from the date of receipt of a copy of this order. The Advocate Commissioner shall stand discharged.

8. With the above directions, these applications are closed.

Sd./-P.S.N.J

15.07.2019

//Certified to be true copy//

Dated at Madras this the day of 2019.

JJ 06/09/2019

COURT OFFICER(O.S.)

सत्यमेव जयते

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