

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 4TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb. Appln.Nos.137 and 138 of 2021

Arb. Appln.No.137 of 2021

In the matter of Arbitration &
Conciliation Act, 1996
and

In the matter of Disputes between M/s.
Manapuram Finance Limited and
Mr.Vengatapathi B and others
Arising under Loan Agreement Dated
31.07.2018 bearing Loan Agreement
MFTNEXLONS000005038304.

M/s. Manapuram Finance Limited
No. 400 (116/1) Dr. Natesan Road,
Triplicane, Chennai – 600 005.
Represented by its Authorised Signatory
Mr. Maniarasan (Emp. No. 62566)

... Applicant

..Vs..

1.Mr.B.Vengatapathi,
No.80/2, Badhmavadhi Nagar,
Anaicut, Pallikonda, North Arcot,
Tamil Nadu – 635 809.

... Borrower

2. M.V.Gunasekaran,
No. 186, Pookara Street,
Vettuvanam Post, Beahmunamangalam,
Vellore – 635 809.

... Co-Borrower-1
Respondent

Application praying that this Hon'ble Court be pleased to pass an

order of Appointment of Advocate Commissioner as receiver to seize the vehicle more particularly described in the schedule to the Judges Summon wherever stationed in the premises of the respondents or wherever it is found and with whomsoever it is found with powers to break open the premises and grant permission to the Advocate Commissioner to obtain police aid from the concerned police officer.

Arb. Appln.No.138 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

And

In the matter of Disputes between
M/s. Manapuram Finance Limited
and Mr.Vengatapathi B And others
Arising under Loan Agreement Dated
28.01.2020 bearing Loan Agreement
MFTNEXLONS000005147590

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No.400 (116/1) Dr.Natesan Road,
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Represented by its Authorised Signatory
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... Applicant

Vs.

1. Mr. B. Vengatapathi,
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Tamil Nadu – 635 809.

... Borrower

2. Mrs. Suganya Vengatapathi,
No.80/2, Badhmavadhi Nagar,
Anaicut, Pallikonda, North Arcot,
Tamil Nadu – 635 809.

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Application praying that this Hon'ble Court be pleased to pass an order of Appointment of Advocate Commissioner as receiver to seize the vehicle more particularly described in the schedule to the Judges Summon wherever stationed in the premises of the respondents or wherever it is found and with whomsoever it is found with powers to break open the premises and grant permission to the advocate commissioner to obtain police aid from the concerned police officer.

These applications coming on this day before this court for hearing in the presence of M/s.A.S.Neela Narayani, Advocate for the Applicant in both Arbitration Applications and upon reading the order herein dated 06.10.2021,

The Court made the following orders:-

Learned counsel for the applicant submits that due to the present pandemic situation and non-traceability of the vehicle, the applicant could not assist the learned Advocate Commissioner to execute the warrant of Commission. However, learned counsel for the applicant now submits that in respect of Arb.A.No.137 of 2021, the vehicle has been located and in due course, the applicant will be accompanying the learned Advocate Commissioner to the spot where the vehicle is located to enable the learned Advocate Commissioner to seize the vehicle.

2. In respect of Arb.A.No.138 of 2021, since the vehicle could not be located, learned counsel for the applicant submits that she is not pressing the application. Learned counsel for the applicant, on instructions, undertakes that the remuneration fixed by this Court in respect of both the applications viz., Arb.A.No.137 and 138 of 2021, will be paid within a period of one week from the date of receipt of a copy of this order.

3. The report of the learned Advocate Commissioner dated 01.02.2022 has been filed stating that till date the applicant is not cooperating for the execution of the warrant and also has not located the subject vehicle.

4. After recording the submissions made by the learned counsel for the applicant as well as the learned Advocate Commissioner and also his report, Arb.Application No.138 of 2021 is dismissed as not pressed. The applicant shall provide all assistance to the learned Advocate Commissioner to execute the warrant of the Commission as per the orders passed in Arb.App.No.137 of 2021 with regard to the seizure of the vehicle and the learned Advocate Commissioner shall be paid his remuneration in both the applications viz., Arb.Appln Nos.137 and 138 of 2021 within a period of

one week from the date of receipt of a copy of this order.

Post Arb.Appl.No.137 of 2021 on 03.03.2022.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH
BHANDARI ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 04TH DAY OF FEBRUARY 2022.

Sd./-

ASSISTANT REGISTRAR (O.S-II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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KY
14.02.2022

Arb.Appln. Nos.137 and 138 of 2021

ORDER

DATED : 04.02.2022

THE HON'BLE MR. JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 14.02.2022

APPROVED ON: 14.02.2022

Copy to:

Mr.C.P.Goutham,
Advocate Commissioner,
Mob:9843953555,
No.36/14, Mahathma Gandhi Road,
Shastri Nagar, Chennai - 600 041

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Post Arb.Appl.No.137 of 2021 on 03.03.2022.

Sd./-A.Q.J

04/02/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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