

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 22nd DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

Arb.Appln.No.230 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

And

In the matter of Disputes between
M/s. Daimler Financial Services India
Private Limited and Shoba Mangesh
Patil & others Arising under Loan
Agreement Dated 24.12.2020 bearing
Contract No. 10143201.

M/s. Daimler Financial Services India Private Limited
Campus 3A, RMZ Millennia Business Park II,
No.143, Dr. M.G.R. Road,
Perungudi, Chennai - 600 096

Represented by its Authorised Signatory

...Applicant

vs

1. Shoba Mangesh Patil,
Shivteerth Patil Bungalow,
Indapur,
Pune,
Maharashtra - 413106.

2. Nikita Mangesh Patil,
Shivteerth Patil Bungalow,
Indapur,
Pune,
Maharashtra - 413106.

3. Rupali Mangesh Patil,
Shivteerth Patil Bungalow,
Indapur,
Pune,
Maharashtra - 413106.

4. Suman Wamanrao Patil,
Shivteerth Patil Bungalow,
Indapur,
Pune,
Maharashtra - 413106.

...Respondents

Arbitration Application praying that this Hon'ble Court be pleased to appoint the authorised agent of the Applicant viz. Mr. Shailendra Shukla as Receiver to seize and take possession of the Vehicle which is more fully described in the schedule to the Judges Summons which is lying in the custody of respondents or respondents men, agents, servants from respondents premises or wherever found with Police aid and break open of premises if necessary.

This arbitration application coming on this day before this Court for hearing in the presence of Mr. D.Pradeep Kumar, Advocate for the applicant in Arb.Appln.No.230 of 2021 and Mr.Dominic S. David, the Advocate Commissioner appearing in person and upon reading the Report filed by the Advocate Commissioner dated 20.12.2021 and the order herein dated 23.11.2021 and the Court made the following order:-

By order dated 23.11.2021, an Advocate Commissioner was appointed to take possession of the vehicle described in the schedule to the judge's summons. Pursuant thereto, the Advocate Commissioner filed a report dated 20.12.2021. In such report, it is stated that the legal heirs of the borrower handed over possession of the vehicle to the Advocate Commissioner on 18.12.2021. The Advocate Commissioner, in turn, handed over the vehicle to the applicant's representative Mr.K.K.Saravanakumar at about 5.40 p.m on the same date. Learned counsel for the applicant also concurs that the hypothecated vehicle has been handed over to the authorized representative of the applicant. As such, nothing survives for adjudication in this application.

2. Accordingly, Arb.Appln.No.230 of 2021 is disposed of without any order as to costs. The Advocate Commissioner was paid initial

remuneration of Rs.25,000/-. He shall be paid additional remuneration of Rs.25,000/- by the applicant within a period of two weeks from the date of receipt of a copy of this order.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 22nd DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (COMM. CASES)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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ARS
09.03.2022

Arb.Appln.No.230 of 2021

ORDER

DATED : 22.12.2021

THE HON'BLE MR. JUSTICE
SENTHILKUMAR RAMAMOORTHY

FOR APPROVAL: 10.03.2022

APPROVED ON: 10.03.2022

Copy to:-

Mr.Dominic S.David
Advocate Commissioner,
(Mobile No.9894229210),
“Vanguard House” 3rd Floor,
No.48, 2nd Line Beach, Parrys,
Chennai 600 001.

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Arbitration Application praying that this Hon'ble Court be pleased to appoint the authorised agent of the Applicant viz. Mr. Shailendra Shukla as Receiver to seize and take possession of the Vehicle which is more fully described in the schedule to the Judges Summons which is lying in the custody of respondents or respondents men, agents, servants from respondents premises or wherever found with Police aid and break open of premises if necessary.

This arbitration application coming on this day before this Court for hearing, **the Court made the following order:-**

By order dated 23.11.2021, an Advocate Commissioner was appointed to take possession of the vehicle described in the schedule to the

judge's summons. Pursuant thereto, the Advocate Commissioner filed a report dated 20.12.2021. In such report, it is stated that the legal heirs of the borrower handed over possession of the vehicle to the Advocate Commissioner on 18.12.2021. The Advocate Commissioner, in turn, handed over the vehicle to the applicant's representative Mr.K.K.Saravanakumar at about 5.40 p.m on the same date. Learned counsel for the applicant also concurs that the hypothecated vehicle has been handed over to the authorized representative of the applicant. As such, nothing survives for adjudication in this application.

2. Accordingly, Arb.Appln.No.230 of 2021 is disposed of without any order as to costs. The Advocate Commissioner was paid initial remuneration of Rs.25,000/-. He shall be paid additional remuneration of Rs.25,000/- by the applicant within a period of two weeks from the date of receipt of a copy of this order.

Sd/-S.K.R.J.
22.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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