



Arb.Appl.Nos.102 & 103 of 2023

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K.KUMARESH BABU,J.

These applications have been filed seeking to appoint Advocate Commissioner to break open the respondents premises along with Police protection and to direct the respondent to handover the vacant possession of the premise along with company products and assets as mentioned in the Schedule and all related documents in terms of the Distributor Agreement dated 22.03.2021.

2.Notice was issued to the respondents. The first respondent did not enter appearance neither through his counsel nor in person, the second respondent had entered appearance through his counsel.

3.Heard the learned counsel Mr.Surya Senthil for M/s.Surana and Surana, appearing for the applicant and Mr.S.Srivatsan, learned counsel appearing for the second respondent.



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4.Learned counsel for the applicant would submit that the 1st respondent had appointed as distributor of the applicant, had entered into a Distributor Agreement dated 22.03.2021. The said Distributor Agreement also provided for a clause of arbitration under Clause 15 of the said Agreement. A lease was entered into upon by the applicant with the second respondent to enable the first respondent to operate the distributorship. On 20.07.2022, the respondent expressed his intention to cancel the distributorship and submitted an application to that effect. As per Clause 12 of the aforesaid Distributorship Agreement, on termination of the Agreement by either party, the distributor shall hand over the vacant possession of the premises together with the assets of the applicant.

5.Learned counsel appearing for the applicant would further submit that the 1st respondent failed to handover the keys of the leased premises and has also the Company assets as stated in the schedule. When the representatives of the applicant had gone to the premises they were threatened with riotousness .Hence, a criminal complaint has also been



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lodged at E8-Kelambakkam Police Station. On 23.09.2023, the applicant had issued a demand notice calling upon the first respondent to handover the possession of the premises and the Company assets of the applicant which did not evoke any respondent. Hence, he had approached this Court seeking for the aforesaid relief.

6.Learned counsel appearing on behalf of the 2nd respondent would submit that he has no objection, in this Court ordering these applications as prayed for. The 1st respondent has been appointed as a distributor under the Distributorship Agreement in the year 2021. He, himself had voluntarily sought for cancellation of the distributorship and had issued a letter to that effect. He would also further submit that the shop is kept under lock and key and the if the same is repleted, it would be put to better use for the benefit of the 2nd respondent.

7.In spite of notice issued to the 1st respondent, he had neither chosen to appear in person nor through counsel.



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8.In such circumstances, I am constrained to allow the applications as prayed for. Mr.D.Sampath Kumar, Advocate, 320 New Law Chamber, 2nd Floor, High Court, Chennai - 600 104 is appointed as an Advocate Commissioner who shall take assistance of the jurisdictional Police and shall break open the lock of the schedule 'B' mentioned shop and make an inventory of all assets and handover the same to the applicant. The Advocate Commissioner is entitled to a remuneration for a sum of Rs.30,000/- (Rupees Thirty Thousand only).

9.In fine, these applications are disposed of accordingly.

27.04.2023

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