



Arb Appln.No.289 of 2023

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KRISHNAN RAMASAMY, J.,

This application has been filed seeking for a direction to appoint an Advocate Commissioner to seize and deliver the vehicle JCB 3DX BACKHOE LOADER with Chassis No.RAJ3DXS4T03257073, Engine No.H00369884, Registration No.TS 21M 4840 to the custody of the applicant, available at the respondent premises or wherever found and with whomsoever it is found and permit the Advocate Commissioner to obtain police aid and to break open the premises.

2. The learned counsel appearing for the applicant would submit that the applicant provided loan to the respondent for purchase of the vehicle JCB 3DX BACKHOE LOADER with Chassis No.RAJ3DXS4T03257073, Engine No.H00369884, Registration No.TS 21M 4840. Thereupon, the respondent has entered into Loan Agreement dated 17.05.2023 with the applicant. The brief details in nutshell are as



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follows:

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<i>S.No.</i>	<i>Particulars</i>	<i>Remarks</i>
1.	Name of the lender	The applicant
2.	Name of the borrower	The respondent
4.	Date of Loan Agreement	17.05.2023
5.	Loan Amount	Rs.31,00,000/-
6.	No.of installments	58 monthly installments
7.	First installment	14.07.2023
8.	Last installment	14.04.2028

3. The learned counsel for the applicant further submits that as per the terms and conditions of the loan agreement, the said vehicle has to be used only in the State of Maharashtra. However, the respondent is illegally arranging to sell and export the said asset and parked the same at SAMIL Parking yard in Panvel Port, Mumbai. Therefore, she would urge this Court to appoint an Advocate Commissioner to seize and handover the vehicle to the applicant bank morefully described in the schedule to the Judges summons available at the SAMIL Parking yard in Panvel Port, Mumbai.



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4. Upon considering the facts and circumstances of the case and the submissions made by the learned counsel for the applicant, this Court is satisfied that the applicant has made out a case in its favour and accordingly, Mr.M.P.Sivagnanam, Advocate, No.5, Lake View Street, Tharamani 600 113, Mobile No:9840346045, is appointed as the Advocate Commissioner to seize the vehicle, viz., JCB 3DX BACKHOE LOADER with Chassis No.RAJ3DXS4T03257073, Engine No.H00369884, Registration No.TS 21M 4840, lying at the SAMIL Parking yard in Panvel Port, Mumbai or wherever found and hand over the same to the custody of the applicant. He shall be paid his initial remuneration of Rs.40,000/- (Rupees Forty Thousand only). The said remuneration shall be paid by the applicant within two weeks from the date of receipt of communication of the Advocate Commissioner. The expenses toward his travel and stay shall be defrayed by the applicant.

5. It is hereby made clear that if police help is required, the Advocate Commissioner shall make a request to the local police station

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within whose jurisdiction the vehicle is found and on such request being made, the Station House Officer shall send the Police Personnel along with the Advocate Commissioner to seize the vehicle. If break open of a lock is required, the Advocate Commissioner shall do so in the presence of the police personnel who will counter-sign the record evidencing the break open of the lock and to re-lock the premises. After seizure, the vehicle is to be handed over to the applicant or to their representative, after taking inventories.

6. Accordingly, this Application is disposed of.

7. List the matter on 24.07.2023 for filing report of the Advocate Commissioner.

14.06.2023

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