



Arb.Appln. No.371 of 2021  
in  
O.A.No.182 of 2021

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**in**  
**O.A.No.182 of 2021**

**Krishnan Ramasamy,J.,**

This application is filed to reopen O.A.No.182 of 2021 and A.No.1296 of 2021, for passing necessary orders, which was closed by this Court on 17.06.2021.

2. Mr.R.Sreedhar, learned counsel appearing for the applicant submitted that this Court passed an order, dated 17.06.2021, under an impression that the vehicle was not sold. However, the learned counsel submitted that the vehicle was sold as early as on 26.02.2021 and name was transferred in the name of owner, Mahesh,. In this regard, he has also produced a system generated statement of accounts, wherein, deduction of a sum of Rs.3,59,146, from the accounts of Manikandan, the respondent herein could be seen. Therefore, the learned counsel submitted that the said order came to be passed after sale of the vehicle, and now, he wants to record the fact about the sale of the vehicle in the order dated 17.06.2021 passed by this Court.

3. Refuting to the contention of the learned counsel for applicant,



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Mrs.S.P.Arthi, learned counsel appearing for the respondent contended that the vehicle was not sold and it is very much available in the yard of the respondent/Bank and even RTO records does not reflect the name of the purchaser of the vehicle. Therefore, she contended that the contention put forth by the learned counsel for the applicant is fallacious.

4. Heard both sides and perused the materials available on record.

5. Before going into the merits of the contentions put forth by the learned counsel for the parties, it would be useful to refer to the order, dated 17.06.2021, passed by this Court, in O.A.No.182 of 2021 & A.No.1296 of 2021, which is extracted herein below:-

"The Original O.A.No.182 of 2021 has been filed to restrain the respondent from auctioning the vehicle seized from the applicant and the application in A.No.1296 of 2021 has been filed to redeliver the vehicle to the applicant.

2. When the matter was taken up today, the learned counsel appearing for the applicant submitted that the actual amount payable by the respondent is only Rs.1,28,085/- and same will be paid to the applicant very



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soon.

3. In such view of the matter, the interim Order granted by this Court is extended for a period of two months. Within such period, the entire amount has to be paid, failing which the interim Order granted in O.A.No.182 of 2021 shall stand automatically vacated. On such payment made by the applicant, the vehicle shall be released by the respondent.

4. With the above direction, these applications are closed.”

6. Upon hearing the submissions made by the learned counsel for both sides and on perusal of the documents, particularly, system generated books of accounts, it is clear that the vehicle was sold as early as on 26.02.2021, and therefore, it is for the buyer to take back the vehicle from the yard of the respondent/Bank and get it transferred in his name. Merely because, the vehicle was available in the yard, that by itself, it cannot be inferred that the vehicle was not sold, when the system generated books of account clearly provides credit in the account of the respondent to the extent around Rs.3,59,146/-. Therefore, since the vehicle was already sold



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as early as on 26.02.2021 and as it was not brought to the notice of this Court on 17.06.2021, this Court has passed the order under impression that the vehicle was not sold. Hence, the order, dated 17.06.2021 is hereby modified as under:

"The Original O.A.No.182 of 2021 has been filed to restrain the respondent from auctioning the vehicle seized from the applicant and the application in A.No.1296 of 2021 has been filed to redeliver the vehicle to the applicant.

2. When the matter is taken up today, the learned counsel appearing for the applicant submitted that the actual amount payable by the respondent is only Rs.1,28,085/- and same will be paid to the applicant very soon.

3. However, since the vehicle was already sold, no directions as sought for by the applicant herein could be granted and the interim order granted by this Court also cannot be extended. Both parties can very well approach the Arbitral Tribunal and the learned Arbitrator shall entertain the application without being influenced by any of the observations made by this Court and decide the dispute in accordance with law and on consideration of the materials placed by the parties.



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4. With the above direction, these applications are  
*closed.”*

The Registry is directed to issue fresh order to the parties after  
carrying out the modification/correction in the order dated  
17.06.2021.

**12.06.2023**

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