



Arb Appln.No.333 of 2023

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KRISHNAN RAMASAMY, J.,

This application has been filed seeking for a direction to visit the respondent premises, theatres, auditorium, screens, projector room and any other premises of the respondent along with local police protection to break open if necessary, and to seize and take custody of the applicants equipment specifically described in the schedule to the Judges summons and hand them over to the applicant pending final adjudication of the disputes between the parties through arbitration.

2. The learned counsel appearing for the applicant would submit that the applicant had entered into an agreement dated 13.02.2020 with the first respondent and as per the said agreement, the applicant is entitled to supply, install, remove, service the projection system during the term of the agreement.



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3. Further he would submit that at this juncture, since December, 2022, the applicant was denied access to service the said equipments. He would also submit that the said equipments may incur complete damage without proper maintenance. Since the first respondent had breached the said agreement by denying the access to the applicant to maintain the equipments, the applicant is entitled to recover the said equipments as per the terms of clause 2.4 of the said agreement. Hence he would urge this Court to appoint an Advocate Commissioner to seize and handover the equipment specifically described in the schedule to the Judges summons available at the 2nd respondent premises.

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.C.P.Shibu Kumar, Advocate, No.15A, 1st Floor, JKA Complex, Door No.96, (New No.195), Thambu Chetty Street, (Opp to Kaligambal Temple), Chennai 600 001, Mobile Nos.9445111657,**

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9841233763, is appointed as the Advocate Commissioner to seize the equipment specifically described in the schedule to the Judges summons, lying at the second respondent premises or wherever found and hand over the same to the custody of the applicant. He shall be paid his initial remuneration of Rs.30,000/- (Rupees Thirty 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 towards 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 within whose jurisdiction the equipments are found and on such request being made, the Station House Officer shall send the Police Personnel along with the Advocate Commissioner to seize the equipment. 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



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evidencing the break open of the lock and to re-lock the premises. After seizure, the equipments has 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.

28.06.2023

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