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Arb.Appln.No.331 of 2023

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED:26.09.2023

CORAM

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

Arbitration Application No.331 of 2023

M/s.IndusInd Bank Ltd.,
Represented by its Chief Manager-Legal,N.Veeraragavan,
having office at
Consumer Finance Division,
No.34,G.N.Chetty Road,T.Nagar,
Chennai-600017.

...Applicant

-Vs-

Sri Akilan Blue Metals
Rep by proprietor Mr.R.Boopathirajan
N.30 A, PT Rajan 4th street,
Soniya Kovil Street, Narimedu,
Madurai 625002.

...Respondent

Application under Section 9 of the Arbitration and Conciliation Act,1996, has been filed seeking to pass an order of appointment of an Advocate Commissioner to seize and deliver the vehicle/Machinery GOWTHAM INDUSTRIES, 16* 9 STONE CRUSHER, 24* 16 STONE CRUSHER SCREW CLASSIFIER, IMPACTOR SAND MACHINE, 7* 2 1/2" FEEDER, 10 *4 DOUBLE DECK VIBRATOR, CONVEYOR



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BELFT WIDTH 30” AND CONVEYOR BELT WIDTH 24” ALL ASSEMBLED IN ONE UNIT along with Steel fabrications, 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.

For Applicant : Ms.Meera Gnanasekar

For Respondent : Set *ex-parte*

ORDER

An affidavit of service has been filed by the learned counsel for the applicant. The returned cover as well as the tracking report has been enclosed along with the affidavit of service. As seen from the same, the cover has been returned with an endorsement “always door closed”. But, however, it also discloses that, through phone, intimation has been given to the respondent. Since the intimation with regard to the notice has been given to the respondent by the postal authorities, it amounts to deemed



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2. The name of the respondent is also printed in the cause list today.

Since the respondent has chosen not to enter appearance, despite being aware of the pendency of this application, the respondent is set *ex-parte* by this Court.

3. It is also informed that the Advocate Commissioner appointed by this Court has already repossessed the vehicle and the custody of the same has also been given to the applicant. The Advocate Commissioner has also been paid his initial and final remuneration by the applicant as directed by this Court.

4. Therefore, nothing survives for further adjudication in this application. After recording the fact that the Advocate Commissioner has repossessed the vehicle and has also handed over the custody of the same to the applicant, this application is disposed of.

26.09.2023

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ABDUL QUDDHOSE, J

SSa

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