



Arb Appln.No.325 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 Assets 5 Nos of TATA LP 709/42 BUSES as mentioned below 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:

<i>Registration No.</i>	<i>Engine No.</i>	<i>Chassis No.</i>
PB-07-BS-7111	4SPCR11BPY607383	MAT513301KFB02159
PB-07-BS-8111	4SPCR11BPY607316	MAT513301KFB02160
PB-07-BU-7111	CPY610861	MAT513301KFC03359
PB-07-BU-8111	4SPCR11CPY611482	MAT513301KFC03569
PB-07-BU-9111	4SPCR11CPY611494	MAT513301KFC03595

2. The learned counsel appearing for the applicant would submit that the applicant provided loan to the respondent for purchase of the aforementioned Assets 5 Nos of TATA LP 709/42 BUSES.



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Thereupon, the respondent has entered into Loan Agreement dated 27.03.2019 with the applicant. The brief details in nutshell are as follows:

<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	27.03.2019
5.	Loan Amount	Rs.75,00,000/-
6.	No.of installments	62 monthly installments
7.	First installment	10.05.2019
8.	Last installment	10.11.2024
9.	Notice	07.10.2021
10.	Reply to the notice	No
11.	Amount claimed	Rs.78,73,110.13/-
12.	Arbitration proceedings initiated	Award passed. A suit has been filed by the respondent and the same was withdrawn by the respondent.

3. The learned counsel for the applicant further submits that the respondent, having availed the loan, failed to repay the same. He would submit that the hypothecated vehicle is a movable asset and if it is kept in idle condition, it would get damaged and its value also gets



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deteriorated and hence he 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 respondents premises, in order to make the security effective and the money in dispute in arbitration is fully secured by way of sale of the vehicle in public auction after following due process of law.

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, the Advocates herein below are appointed as Advocate Commissioners:

<i>S. No</i>	<i>Name of the Advocate Commissioner</i>	<i>Address</i>	<i>Mobile Number</i>
1	Ms.T.Vijayalakshmi	No.76, Law Chambers, High Court Buildings, Chennai 600 104	9094075009
2	Ms.N.Viji	Women's Lawyer Association, High Court Buildings, Chennai 600 104	9444483164



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S. No	Name of the Advocate Commissioner	Address	Mobile Number
3	Mr.R.Abdur Rahman	No.319, (Old No.155), 4 th Floor, Linghi Chetty Street, Parrys, Chennai 600 001.	9894216608 9150124355

and they are directed to seize the Assets 5 Nos of TATA LP 709/42

BUSES as detailed below:

Registration No.	Engine No.	Chassis No.	Name of the Advocate Commissioner
PB-07-BS-7111	4SPCR11BPY60 7383	MAT513301KF B02159	Ms.T.Vijayalakshmi
PB-07-BS-8111	4SPCR11BPY60 7316	MAT513301KF B02160	Ms.T.Vijayalakshmi
PB-07-BU-7111	CPY610861	MAT513301KF C03359	Ms.N.Viji
PB-07-BU-8111	4SPCR11CPY61 1482	MAT513301KF C03569	Ms.N.Viji
PB-07-BU-9111	4SPCR11CPY61 1494	MAT513301KF C03595	Mr.R.Abdur Rahman

lying at the respondents' premises or wherever found and hand over the same to the custody of the applicant. The applicant shall pay a sum of Rs.40,000/- (Rupees Forty Thousand Only) in advance as initial remuneration to each of the Advocate Commissioners viz.,



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Ms.T.Vijayalakshmi & Ms.N.Viji and Rs.30,000/- (Rupees Thirty Thousand Only) in advance as initial remuneration to the Advocate Commissioner viz., Mr.R.Abdur Rahman. The expenses towards their travel and stay shall also 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 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.



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7. List the matter on 07.08.2023 for filing report of the Advocate
Commissioner.

27.06.2023

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