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Arb.Appln.No.364 of 2023

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED:25.09.2023

CORAM

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

Arbitration Application No.364 of 2023

M/s.Tata Capital Financial Services Limited

Having its registered office at

11th floor, Tower A,

Peninsula Business Park,

Ganpatrao Kadam Marg,

Lower Parel, Mumbai-400013.

Having one of its Branch office at

Centennial Square ,1st floor, 6A,

Dr.Ambedkar Salai,

Kodambakkam,Chennai-600024.

Represented by its Authorised Signatory,

Mr.D.Kalai Arasan

...Applicant

-Vs-

Yusri N

Al Hillal Manzil Pathappiriyam

Edavanna Pathappiriyam Malapuram

Emad Kerala, Land Mark-Navodhaya Vayanashala

Malapuram-676123-Kerala.

...Respondent

Application under Section 9 of the Arbitration and Conciliation Act,1996, has been filed seeking to appoint an advocate commissioner to



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seize and deliver the Asset HYUNDAI CRETA 1.5 CRDI AT SX (O) Vehicle bearing Registration No.KL10BF7744, Engine No.D4FAMM257146, Chassis No.MALPC813MMM169819 available at the Respondent's premises or wherever found and permit the advocate commissioner to obtain police aid and to break open the premises.

For Applicant : M/s.Narmadha

ORDER

The respondent has been duly served and his name is also printed in the cause list today.

2. The report has also been filed by the Advocate Commissioner. As seen from the report, the Advocate Commissioner had repossessed the vehicle pursuant to the direction of this Court by an order dated 04.07.2023 and handed over the interim custody of the vehicle to the applicant.

3. The learned Advocate Commissioner was initially paid



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remuneration of Rs.15,000/-(Rupees Fifteen Thousand only). Vehicle was seized at Kerala. The applicant is directed to pay the Advocate Commissioner an additional remuneration of Rs.15,000/-(Rupees Fifteen Thousand only) within a period of one week from the date of receipt of copy of this order.

4. Since the respondent has been duly served and despite the same the respondent has not chosen to appear, the respondent is set *ex-parte* in this application.

5. In view of the above facts, nothing survives for further adjudication in this application. Accordingly, this application is disposed of in terms of the above direction.

25.09.2023

ssa/rkm



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ABDUL QUDDHOSE, J

ssa/rkm

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