



Arb. Appln. No.375 of 2023

ABDUL QUDDHOSE.J.,

M/s.Mahaveer Finance India Limited

... Applicant

Vs.

1. Pandiyarajan
2. Rangeeshpandi

... Respondents

The respondents have been duly served in this application. An affidavit of service to that effect has also been filed by the learned counsel for the applicant, enclosing the acknowledgment cards. Since the respondents have been duly served and they have chosen not to enter appearance, they are set *ex-parte* by this Court.

2. This Court by its earlier order dated 24.08.2023 directed the respondents to pay a sum of Rs.49,700/- which is the arrears of installments payable by them under the loan agreement dated 30.10.2019 within a period of two weeks from the date of receipt of a copy of the said order, failing which, this Court had made it clear that a decision will be taken with regard to the appointment of an advocate commissioner. The order of this Court dated 24.08.2023 has also been communicated by the learned counsel for



the applicant, as seen from the affidavit of service filed today by the learned counsel for the applicant. Despite the lapse of more than two weeks from the date of receipt of a copy of the order dated 24.08.2023, the respondents have not paid the sum of Rs.49,700/- as directed by this Court in its earlier order dated 24.08.2023.

3. The applicant has lent money to the respondents for purchase of a vehicle. The respondents have committed default under the loan agreement dated 30.10.2019, entered into between the applicant and the respondents. The applicant is empowered to repossess the vehicle in the event of default committed by the respondents in the repayment of the loan.

4. Having been given sufficient opportunity to regularize the loan, the respondents have chosen not to regularize the loan. Therefore, this Court will have to necessarily appoint an advocate commissioner to repossess the vehicle, morefully described in the schedule to the judges summons.

5. *Prima facie* case, balance of convenience and irreparable hardship has been established by the applicant.



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6. For the foregoing reasons, this Court issues the following directions:

a) Mr.Sekhar D, Advocate (Enr.No.MS.3625 of 2012) having office at No.317, Addl. Law Chamber, Second Floor, 3rd Phase, High Court Building, Chennai - 600 104 (Mob. No.:99520 20095) is appointed as an Advocate Commissioner to repossess the vehicle, morefully described in the schedule to the Judges summons;

b) The advocate commissioner shall be paid initial remuneration of Rs.15,000/- within a period of one week from the date of receipt of a copy of this order or before the execution of the warrant of commission whichever is earlier;

c) The advocate commissioner is permitted to obtain police aid and if required, break open the premises in case the vehicle is kept in a locked premises in the presence of the police, after taking a proper inventory;

d) The advocate commissioner shall hand over the custody of the vehicle to the applicant after repossessing the same from the respondents or wherever available.



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7. With the aforesaid directions, this application is disposed of.

8. Post the matter for reporting compliance on 13.10.2023.

15.09.2023

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