



WEB COPY



A.No.6236 of 2023

Application No.6236 of 2023

in

Arb.Appln.No.461 of 2023

C.SARAVANAN, J.

The applicant has filed this application to restore the Arb.Appln.No.461 of 2023 which was closed by this Court on 30.10.2023. The learned counsel for the applicant submits that non appearance on the previous occasion was neither willful nor wanton,

2. In the affidavit, the applicant has stated that the Advocate Commissioner appointed by this Court had also attempted to execute the warrant but was unable to seize the vehicle as the respondent has hidden the car in a bush and without the key and on account of the non-corporation of the respondent, the Advocate Commissioner was unable to seize the vehicle.

3. The reasons stated in the affidavit is accepted.

4. Recording the same, this application is allowed.

5. Accordingly, Arb.Appln.No.461 of 2023 is restored on file.



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WEB COPY 6. Arb.Appln.No.461 of 2023, was adjourned by four weeks to seize the hypothecated car from the possession of the respondent. Meanwhile, the applicant is directed to pay a further sum of Rs.30,000/- towards additional remuneration to the learned Advocate Commissioner within a period of one week from today.

7. Liberty is given to the learned Advocate Commissioner to take assistance of higher officials from the police, as the respondent is not co-operating with the seizure procedure.

27.11.2023

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