



Arb Appln.No.181 of 2024

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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 vehicle/Machinery ASHOK LEYLAND LTD., BADA DOST 13 bearing Vehicle Registration No.TN-75-A-2963, Vehicle Engine No.HNH034125P and Vehicle Chassis No.MB1AA42E3NRHY0964 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.

2. The learned counsel appearing for the applicant would submit that the applicant provided loan to the respondent for purchase of the vehicle/Machinery ASHOK LEYLAND LTD, BADA DOST 13 bearing Vehicle Registration No.TN-75-A-2963, Vehicle Engine



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No.HNH034125P and Vehicle Chassis No.MB1AA42E3NRHY0964.

Thereupon, the respondent has entered into Loan Agreement dated 30.05.2022 with the applicant. The brief details in nutshell are as follows:

S.No.	Particulars	Remarks
1.	Name of the lender	The applicant
2.	Name of the borrower	The respondent
3.	Date of Loan Agreement	30.05.2022
4.	Loan Amount	Rs.8,15,000/-
5.	No.of installments	59 monthly installments
6.	First installment	07.07.2022
7.	Last installment	07.05.2027
8.	Overdue as on 03.02.2024	12
9.	Notice	04.10.2023
10.	Reply to the notice	No
11.	Rate of interest	36% p.a.
12.	Amount Overdue as on 03.02.2024	Rs.2,72,349/-
13.	Total Due Amount	Rs.7,74,710/-
14.	Arbitration proceedings initiated	Applicant undertakes to initiate arbitral proceedings within a period of 90 days.

3. The learned counsel for the applicant further submits that the



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respondent, having availed the loan, failed to repay the same and defaulted nearly 12 EMIs. She 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 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 respondent's 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, **Ms.R.Ravitha, Advocate, Women Lawyer's Association, Ist Floor, Additional Law Chambers, High Court Buildings, Chennai 600 104, Mobile No.96550 07811**, is appointed as the



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Advocate Commissioner to seize the vehicle/Machinery ASHOK
LEYLAND LTD., BADA DOST 13 bearing Vehicle Registration
No.TN-75-A-2963, Vehicle Engine No.HNH034125P and Vehicle
Chassis No.MB1AA42E3NRHY0964, lying at the respondent's
premises or wherever found and hand over the same to the custody of
the applicant. She shall be paid her initial remuneration of Rs.20,000/-
(Rupees Twenty Thousand only) in advance. The expenses toward her
travel and stay shall be defrayed by the applicant. The said initial
remuneration shall be paid to the Advocate Commissioner within a
period of two weeks from the date of receipt of communication from
her.

6. 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



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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.

7. Accordingly, this application is disposed of.

8. List the matter on 04.06.2024 for filing report of the Advocate Commissioner.

01.04.2024

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Note: Issue order copy on 04.04.2024.



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