

Application No.1969 of 2021**KRISHNAN RAMASAMY, J.**

This application is filed under Order XIV Rule 8 O.S.Rules R/W Section 9(2) b & e of the Arbitration and Conciliation Act, 1996, seeking appointment of an Advocate Commissioner to seize the vehicle more particularly described in the schedule to the Judges summon wherever stationed in the premises of the respondents or wherever it is found and with whomsoever it is found with powers to break open the premises and grant permission to the receiver to obtain police aid from the concerned police officer.

2. Heard Mr.A.Damodaran, learned counsel for the applicant.

3. Under a loan agreement **No.MFTNFXLONS000005148188** dated **12.02.2020**, the applicant financed the purchase of a vehicle morefully described in the schedule to the Judge's summons and the respondents availed a loan of **Rs.15,59,807/-**. As per the agreement, the said loan together with agreed interest rate was repayable in 68 equated monthly installments commencing from 15.03.2020 and ending on 15.10.2025. The borrower committed default in repayment of the installments and a sum of

Rs.2,02,503/- remains unpaid, as on 12/4/2021. It is also submitted by the learned counsel for the applicant that arbitration proceedings are yet to be initiated.

4. The vehicle is hypothecated to the applicant and the agreement contains a clause for re-possession. The applicant apprehends that the respondents may make the vehicle untraceable and continued usage would depreciate its value.

5. Considering the facts and circumstances of the case and in view of the apprehension expressed in the affidavit filed in support of this application, this Court is satisfied that it is just and convenient that an order of appointment of an Advocate Commissioner is made though the relief sought for is for appointment of Receiver.

6. This Court, thus, appoints **Mr.M.P.Sivagnanam, Advocate (Enrollment No.4027/2012) having office at Chamber No.5, Lake View Street, Tharamani, Chennai – 600 113, (Mob : 9840346045)** as an Advocate Commissioner to seize and possess the vehicle in question. He shall be paid an initial remuneration of **Rs.30,000/- (Rupees Thirty**

Thousand only). The expenses toward his travel and stay shall be defrayed by the applicant. The Commissioner shall take the assistance of police, if necessary, to seize and possess the vehicle.

7. The Advocate Commissioner shall seize the vehicle within a period of twelve (12) weeks from the date of receipt of a copy of this order. The said period shall expire thereafter unless extended.

8. Notice to the respondents returnable in twelve (12) weeks. Private notice is also permitted. List the matter before the Master for completion of service. Let the Master verify compliance with the aforesaid and record the same prior to posting the matter before the Court.

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12/5/2021

mvs/arb

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Office to Note :

Issue warrant of commission only after the applicant pays batta for issue of notice.

KRISHNAN RAMASAMY, J.

mvs/arb



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12.05.2021