Orders Reserved on 06.09.2024	Orders Pronounced on 25.10.2024

Arb.Appln.Nos.278 & 279 of 2024

RMT. TEEKAA RAMAN., J.

Arb.Appln.No.279 of 2024 has been filed under Order XIV, Rule 8 of O.S.Rules, read with Section 9 (II (C), (D) and (E) of the Arbitration and Conciliation Act,1996.

2. In connection with arbitration dispute between Munusamy Vs.M/s.Mishri Finance (an authorised franchisee of M/s.Hinduja Leyland Finance Ltd), a hire purchase agreement dated 27.10.2023 for TATA LPT 1613 Model 2017 is filed for granting interim direction directing the respondent to accept the pending dues of EMI and re-deliver the illegally dispossessed the vehicle TATA LPT 1613-Model 2017, bearing vehicle No.TN-18-AP-4699 dated 28.02.2024 to the applicant, pending disposal of this application.

3. A.No.278 of 2024 has been filed to permit the applicant to continue the instalment of hire purchase Hypothecation Agreement dated 27.11.2023, for TATA LPT 1613-Model 2017, bearing vehicle No.TN 18 AP 4699.

4. Heard both sides.

5. Initially, by an order dated 14.06.2024, the petitioner was directed to deposit a sum of Rs.2 lakhs to the credit of Arb.Appln.No.278 of 2024.

6. The learned counsel for the respondent -Finance Company stated that the applicant herein is a chronic defaulter. He has failed to make payment of E.M.I for 10 instalments, and more than Rs.3 lakhs is due for the purchase of the vehicle. He has executed a promissory note for Rs.6,75,000/- with 9.5%. It was disputed by the applicant, and hence both parties are directed to file a memorandum of calculation. According to the respondent, it is Rs.9,37,500/-

7. In the memo of calculation, it is as follows:-

Ledger A/C of Munusamy R

Vehicle Registration No.TN-18-AP-4699

H.P.Agreement Date - 27.10.2023

Total Agreement value - Rs.9,85,500/-

Total EMI - 30 months

Loan amount disbursed to customer	Rs.6,75,000/-
Interest as on 27.10.2023 to 27.08.2024	Rs.2,02,500/-
Legal Charges	Rs.25,000/-
Vehicle repossession charges	Rs.15,000/-

Loan amount disbursed to customer	Rs.6,75,000/-
Multiple follow up expenses	Rs.20,000
Grand Total	**Rs.9,37,500/-**

8. As directed by this Court, the respondent also filed a loan cum vehicle hyphothection agreement, which is signed by the petitioner herein.

9. The loan amount disbursed to the petitioner is Rs.6,75,000/- as he failed to make the payment and took away the vehicle. The vehicle was re-possessed, for which Rs.57000/-was spent. Hence, in the interest of justice, the following order is passed:-

(i) A memo of calculation dated 20.08.2024 by the respondent, found reasonable, grant Rs.9,37,500/-. The applicant is hereby directed to deposit a sum of Rs.3,50,000/- and continue to pay the E.M.I at the rate of Rs.40,000/- per mensem.

(iii) On the deposit of 50% of the first condition stated above, the vehicle can be directed to be given to the applicant, failing which, this petition is automatically dismissed without further reference to this Court.

10. Accordingly, these applications are ordered.

25.10.2024

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<u>RMT. TEEKAA RAMAN., J.</u>

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<u>Order in</u>
<u>Arb.Appln.Nos.278 & 279 of 2024</u>

<u>25.10.2024</u>