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Arb.Appln. No.630 of 2024
in
Arb.Appln.No.305 of 2024

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K.KUMARESH BABU, J

The applicant seeks to modify the order dated 04.09.2024 only in respect of a direction issued by this Court to pay additional remuneration to the learned Advocate Commissioner.

2. It is the case of the applicant that even though the Advocate Commissioner was appointed by this Court and initial remuneration had also been paid, in view of the continuous efforts by the collection team, the asset was re-posessed by the applicant-Company itself on 02.08.2024. Therefore, there is no necessity now to pay additional remuneration to the Advocate Commissioner as ordered by this Court.

3. The learned counsel had taken strenuous efforts in seeking for modification of the order with regard to additional remuneration directed to be paid to the learned Advocate Commissioner. This Court is not in agreement with the claim made by the applicant.



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4. The applicant having approached this Court for appointment of an Advocate Commissioner, should have taken efforts to locate the vehicle and only have to re-possess the vehicle pursuant to the warrant issued by this Court and not otherwise. If that is the stand taken by the applicant, then there is no useful purpose for the applicant to approach this Court for appointing an Advocate Commissioner. The applicant-Company had now re-possessed the vehicle on their own, that too when an Advocate Commissioner had been appointed by this Court at the instance of the applicant for re-possessing the vehicle. In such view of the matter, I am not inclined to entertain the application that had been filed by the applicant and accordingly, this application is dismissed. There shall be no order as to costs.

5. The applicant-Company is directed to pay the additional remuneration as directed by this Court on 04.09.2024, within a period of two weeks from the date of receipt of a copy of this order.

01.10.2024

Ms/Maya



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K.KUMARESH BABU, J.

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