



WEB COPY

Arb Appln No. 28 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE**Arb Appln No. 28 of 2025**

Axis Bank Limited
2nd Floor Door No 31 Old No 14 South Mada Street
Mylapore

Appellant(s)

Vs

Durgam Thirupathi
2nd Floor Door No 31 Old No 14 South Mada Street
Mylapore H.No.6 5 Jaina Dharmapuri, Jagital,
Karimnagar, Telangana 505 425. and another

Respondent(s)

For Appellant(s): Mr. Ra Sivadhara Adiyaman
for M/s.O M Gujar Law Chambers

For Respondent(s):

ORDER

Learned counsel for the applicant, on instruction, would submit that even though this Court had earlier passed an order on 09.01.2025 appointing the applicant's own employee as a receiver for the purpose of executing the warrant of commission, the applicant is now satisfied if an Advocate Commissioner is appointed in the place of the applicant's own employee for the purpose of repossessing the vehicle from the respondent or wherever available.

2. Learned counsel for the applicant would also submit, on instructions, that



the vehicle is now traceable.

3. After recording the submission made by the learned counsel for the applicant, this Court is inclined to appoint an Advocate Commissioner for the purpose of re-possessing the vehicle which is the subject matter of the loan agreement dated 08.03.2021 entered into between the applicant and the respondent. Accordingly, the following order is passed by this Court:

a) Mr.T.S.Rajagopal, Advocate, having Office at No.40, Law Chambers, High Court Buildings, Chennai - 600 104 (Mobile No.9884775780) is appointed as an Advocate Commissioner, to repossess the vehicle morefully described in the Schedule to the Judges Summons from the respondent or wherever available in the place of the applicant's own employee as a receiver.

b) The Advocate Commissioner after re-possessing the vehicle, shall handover interim custody of the same to the applicant, who shall keep it in their safe custody;

c) In case, the Advocate Commissioner requires Police assistance due to any law and order problem or due to any obstruction caused by the respondent or by any third party, while re-possessing the vehicle, the Advocate Commissioner is at liberty to seek police assistance from the concerned police station and the police department shall grant police protection accordingly. In case, break open of the



premises, where the vehicle is located, is required, the Advocate Commissioner shall break open the premises in the presence of the police and take an inventory and thereafter re-possess the vehicle;

d) The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- by the applicant and on receipt of the same, the Advocate Commissioner shall proceed to execute this order. All the boarding, lodging and travelling expenses for the Advocate Commissioner shall be borne by the applicant.

4. It is made clear that if the vehicle is not found to be traceable before the next hearing date, this application shall stand automatically dismissed by granting liberty to the applicant to file a fresh application seeking for appointment of an Advocate Commissioner on the same cause of action, if and when the vehicle becomes traceable.

5. Fresh notice to the respondent, returnable by 17.03.2025. Private Notice is also permitted.

6. Post the matter on 17.03.2025 for filing a report by the Advocate Commissioner.

17-02-2025

vsi



ABDUL QUDDHOSE,J.

vsi

To

1. Durgam Thirupathi
2nd Floor Door No 31 Old No 14 South Mada Street
Mylapore H.No.6 5 Jaina Dharmapuri, Jagitial, Karimnagar,
Telangana 505 425.

2. Durgam Bhumaiah
H No 65 Jaina Dharmapuri Jagitial Karimnagar Telangana

Arb.A.No. 28 of 2025

17.02.2025