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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

Arb.Appln. No.72 of 2025

Axis Bank Ltd.,
rep. by its Authorised Signatory
Mr.Selvaraj

.. Applicant

VS

Shaik Masthanvali

.. Respondent

ORDER

This application has been filed seeking for appointment of the applicant's own employee as a party Receiver for the purpose of re-possessing the vehicle from the respondent or wherever it is available.

2.By order dated 20.01.2025, this Court had appointed the applicant's own employee as a Receiver and directed him to re-possess the subject vehicle.

3.I had made it clear in my earlier orders that the applicant's own



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employee cannot be appointed as a Receiver as he will not be a neutral person.

4.Learned counsel for the applicant would now submit, on instructions that the applicant is willing for appointment of an Advocate Commissioner by this Court instead of its own employee to be appointed as a Receiver.

5.Since the applicant is willing for appointment of an Advocate Commissioner by this Court and since the vehicle is yet to be re-posessed, this Court issues the following directions:

a)Mr.M.Salahutheen, Advocate, having office at No.6/7, Ganesh Nagar, Vinayagapuram, Chennai - 600 099 (Mob. Nos.72996 31028/73974 55030) is appointed as the Advocate Commissioner to re-posses the vehicle morefully described in the schedule to the Judges Summons from the respondent from his premises or wherever available;

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;

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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-posses the vehicle;

d) The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- 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.



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ABDUL QUDDHOSE.J.,

vga

Notice to the respondent returnable by 18.03.2025. Private Notice is also permitted.

18.02.2025

vga

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