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Arb.Appln.No.109 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

Arb.Appln.No.109 of 2025

Axis Bank Limited,
Represented by its Authorised Signatory,
Mr.Selvaraj,
S/o.Mr.Pichandi,
Legal and Support Team,
2nd Floor, Door No.31, Old No.14,
South Mada Street,
Mylapore, Chennai - 4.

... Applicant

vs.

S.Heber Joseph

... Respondent

PRAYER: Arbitration Application filed under order XIV Rule 8 of Original Side Rules read with Section 9(1)(ii)(c)&(e) of the Arbitration and Conciliation Act 1996 to appoint Mr.K.Naveen, Employee Code No.480129, currently designated as Manager of Axis Bank Ltd., having his office at Axis Bank Limited, Old No.38, New No.165, Arcot Plaza, Arcot Road, United India Colony, Kodambakkam, Chennai - 600 024 as Receiver to visit the respondent's premises, other areas which is occupied by the respondent and any other premises of the respondent along with local Police protection to break open if necessary, and to seize and take custody of the vehicle hypothecated with applicant being Motor Car bearing No.TN02BE6363, Innova Crysta 2 4 Z BS IV, Toyota Kirloskar Motor Pvt. Ltd., with all accessories fitted to the asset specifically



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described in the schedule to the Judge's Summons and hand them over to the applicant pending final adjudication of the disputes between parties through arbitration.

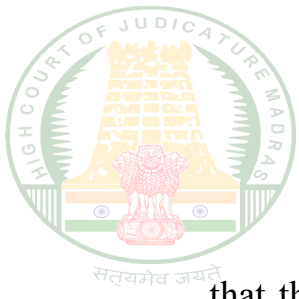
For Applicant : Mr.R.A.Sivadhara Adiyaman

ORDER

This application has been filed seeking appointment of Receiver viz., Mr.K.Naveen, Employee Code No.480129, currently designated as Manager of Axis Bank Ltd., having his office at Axis Bank Limited, Old No.38, New No.165, Arcot Plaza, Arcot Road, United India Colony, Kodambakkam, Chennai - 600 024 to seize and deliver the asset viz., Motor Car bearing No.TN02BE6363, Innova Crysta 2 4 Z BS IV, Toyota Kirloskar Motor Pvt. Ltd., Chassis No.MBJAB3EM502502043 and Engine No.2GDA009414 with all accessories fitted to the asset specifically described in the schedule to the Judge's Summons and hand them over to the applicant pending final adjudication of the disputes between parties through arbitration.

2. Heard Mr.R.A.Sivadhara Adiyaman, learned counsel for the applicant.

3. The learned counsel appearing for the applicant would submit



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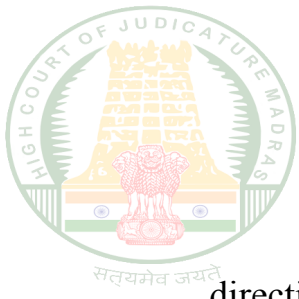
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that the applicant had provided a loan to the respondent for purchase of the aforesaid asset and a Loan Agreement had also been entered by the respondent with the applicant on 15.11.2019. He would contend that the respondent was irregular in making the payment of instalments and that inspite of repeated demand, the respondent has failed to regularize the default and had continued not to pay the EMIs. There is an Arbitration Clause available in the loan agreement, which is the subject matter of dispute. The applicant has expressed its willingness to go for Arbitration in accordance with the Arbitration Clause.

4. He would further submit that considering the value of the amount to be recovered from the respondent, the applicant had sought for an appointment of a Party Receiver which would minimize the expenditure to the applicant and the respondent would also be benefited.

5. Upon considering the facts and circumstances of the case and the submissions made by the learned counsel for the applicant, this Court is satisfied with the prayer sought for in this application.

6. Accordingly, this Application is **ordered** with the following



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directions:

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(i) **Mr.K.Naveen, Employee Code No.480129, currently designated as Manager of the applicant Company, having his office at Axis Bank Limited, Old No.38, New No.165, Arcot Plaza, Arcot Road, United India Colony, Kodambakkam, Chennai - 600 024,** is appointed as Receiver to seize and take possession of the asset viz., Motor Car bearing No.TN02BE6363, Innova Crysta 2 4 Z BS IV, Toyota Kirloskar Motor Pvt. Ltd., Chassis No.MBJAB3EM502502043 and Engine No.2GDA009414 with all accessories fitted to the asset from the respondent, or any place belonging to the respondent, or wherever found and with whomsoever it is found. Registry is directed to hand over the order to the learned counsel for the applicant.

(ii) It is also made clear that if any Police help is required, the Party Receiver shall make a request to the local Police station within whose jurisdiction the asset is found and on such request being made, the Station House Officer shall send the Police Personnel along with the Party Receiver to seize the asset.

(iii) If break open of a lock is required the Party Receiver shall do so in the presence of the Police personnel who will counter sign the



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record evidencing the break open of the lock and to re-lock the premises.

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(iv) If the Party Receiver finds any difficulty with the jurisdictional Police, he is at liberty to approach Superintendent of Police, who shall provide all necessary assistance to him at the time of seizure of the said asset.

7. Notice to the respondent returnable by 06.03.2025. Private notice is also permitted.

8. Post the matter on 06.03.2025 for filing report of the Party Receiver.

24.01.2025

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No



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P.B.BALAJI, J.

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