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Arb.Appln.No.159 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.01.2025**

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THE HONOURABLE **MR.JUSTICE P.B.BALAJI**

Arb. Appln. No.159 of 2025

Axis Bank Limited,
Rep by its authorized signatory,
Mr. Selvaraj, S/o. Mr. Pichandi,
Legal & Support Team,
2nd Floor, Door No. 31, Old No. 14,
South Mada Street, Mylapore, Chennai – 4.

... Applicant

vs.

1.Mr.Sureshkumar Matcharaja
2.Mrs.G.Divya

... Respondents

PRAYER: This Arbitration Application filed under ORDER XIV RULE 8 OF O.S. RULES READ WITH SEC 9 (1) (ii) (c) & (e) OF ARBITRATION ACT 1996, the Applicant prays to appoint employee of the Applicant viz., BOOPATHI.ANNADURAI, Employee Code No. 166930, currently designated as SR MANAGER of Axis Bank Ltd, having his office at 41/2 , AIXS BANK 3RD FLOOR, RAMAKRISHNA ROAD SALEM 636 014 as receiver to visit the respondents' premises, other areas which is occupied by the Respondents and any other premises of the Respondents along with Local police protection to break open if necessary, and to seize and take custody of the vehicle hypothecated with



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applicant being Motor Car bearing No. -TN59CV5826, Model - Nissan Magnite MT XV, Manufacture - Nissan Motor India Pvt LTD 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.

For Applicant : Mr.Ra.Sivadhara Adiyaman for
M/s.O M Gujar Law Chambers

ORDER

This application has been filed to appoint employee of the Applicant viz., BOOPATHI.ANNADURAI, Employee Code No. 166930, currently designated as SR MANAGER of Axis Bank Ltd, having his office at 41/2 , AIXS BANK 3RD FLOOR, RAMAKRISHNA ROAD SALEM 636 014 as receiver to visit the respondents' premises, other areas which is occupied by the Respondents and any other premises of the Respondents 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. -TN59CV5826, Model - Nissan Magnite MT XV, Manufacture - Nissan Motor India Pvt LTD 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.

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2. Heard Ra.Sivadhara Adiyaman, learned counsel for the Applicant.

3. The learned counsel appearing for the applicant would submit that the applicant had provided a loan to the respondents for purchase of the Motor Car bearing No. -TN59CV5826, Model - Nissan Magnite MT XV, Manufacture - Nissan Motor India Pvt LTD and a Loan Agreement had also been entered by the respondents with the applicant on 30.11.2021. He would contend that the respondents were irregular in making the payment of instalments and that inspite of repeated demand, the respondents had 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. The Applicant has issued Section 21 notice on 31.12.2024, intimating the respondents for the appointment of sole Arbitrator. Accordingly, the Applicant has initiated the Arbitration Proceedings.

4. He would further submit that considering the value of the



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amount to be recovered from the respondents, the applicant had sought for an appointment of a Party Receiver which would minimize the expenditure to the applicant and the respondents 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 directions:

(i) **Mr.BOOPATHI.ANNADURAI, Employee Code No. 166930, currently designated as SENIOR MANAGER** of Axis Bank Limited, is appointed as Receiver to seize and take possession of the asset viz., Motor Car bearing No. -TN59CV5826, Model - Nissan Magnite MT XV, Manufacture - Nissan Motor India Pvt LTD with all accessories fitted to the asset from the respondents, or any place belonging to the respondents, 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 record evidencing the break open of the lock and to re-lock the premises.

(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 respondents returnable by 17.03.2025. Private Notice is also permitted.

8. Post the matter on 17.03.2025 for filing report of the Party Receiver.

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Index : Yes / No

Internet : Yes / No



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