



Arb. Appln. No. 368 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

CORAM:

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb. Appln. No. 368 of 2025

M/s.Cholamandalam Investment and
Finance Company Limited

Registered office at :

'Chola Crest', C54 & 55, Super B-4,
Thiru Vi Ka Industrial Estate

Guindy, Chennai-600032,

Represented by its Authorised Signatory

Mr.D.Arjun

.. Applicant

vs.

1. M/s.Saravana Sastha Steels Pvt Ltd
No.36 B Phase I SIPCOT Industrial Complex
Hosur, Krishnagiri – 635 126.

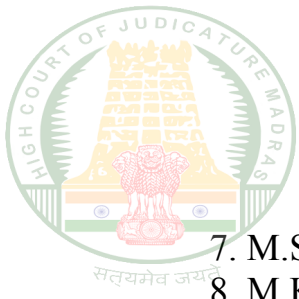
2. M/s.Umashankar Alloys Private Limited
No.39 Phase II SIPCOT Industrial Complex
Hosur, Krishnagiri – 635 109.

3. M/s.Yees Vee Press Components
No.2 529 Lakshmi Narashimma Nagar
Railway Station Road, Dinnur Hosur
Krishnagiri – 635 109.

4. M/s.Sasta Traders
No.A19, 4th Cross TVS Nagar Cattle Farm
Hosur Krishnagiri 635 109.

5. M.NandhaKumar

6. V.Muthukrishnan



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7. M.Senthilkumar

8. M.Kannikavathi

...Respondents

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PRAYER: Arbitration Applications filed under Order XIV Rule 8 Original Side Rules read with Section 9(ii)(d) & (e) of the Arbitration and Conciliation Act, 1996, praying to appoint Advocate Commissioner to seize and deliver the assets as detailed in schedule of the judges summons of this application available at respondent's premises or wherever found and permit the advocate commissioner to obtain police aid and to break open the premises and hand over the same to the applicant and pass such other orders and thus render justice.

For Applicant : Ms.K.Indumathi

For Respondents : No appearance

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ORDER

Till date the Advocate Commissioner has not repossessed the machinery /equipment of the respondents.

2. It is represented by the learned Advocate Commissioner that an attempt was made by the Advocate Commissioner to repossess the machinery /equipment. According to her, the date when the attempt was made, the respondents undertook to pay two EMIs to the applicant and



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the applicant has also agreed for the same.

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3. According to the Advocate Commissioner, as assured by the respondents, the respondents had also paid two EMIs to the applicant subsequently. According to the Advocate Commissioner, the applicant once again directed the Advocate Commissioner to repossess the machinery /equipment from the respondents. However, on the request made by the applicant, at the time when the Advocate Commissioner attempted to repossess the machinery /equipment, the Advocate Commissioner did not proceed with the execution of the Warrant of Commission.

4. On the last hearing date, the learned counsel for the first respondent sought further time to settle the claim of the applicant. Only on the representation made by the learned counsel for the first respondent on 02.06.2025, the matter is listed under the caption for settlement today.

5. However, till date the respondents have not settled the claim of the applicant and the Advocate Commissioner has not repossessed the machinery /equipment. During the pendency of this application, part payments have also been made by the first respondent to the applicant, which is also not disputed by the learned counsel for the applicant on instructions.



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6. However in view of the fact that till date the machinery /equipment has not been repossessed and since sufficient time has been granted, no useful purpose would be served, if this application is allowed to be kept pending.

7. Accordingly, this application is closed. However, liberty is granted to the applicant to file a fresh application in case the respondents fails to settle the claim of the applicant as per the undertakings given by them to the applicant during the pendency of this application. No costs.

8. The applicant is directed to pay additional remuneration of Rs.10,000/- to the Advocate Commissioner within a period of two weeks from the date of receipt of a copy of this order.

30.06.2025

Maya



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ABDUL QUDDHOSE, J.

Maya

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