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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

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THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

Arb.Appln.Nos. 408 & 410 of 2025

M/s.Mahaveer Finance India Limited,
Having Office at T8-T9, IIIrd Floor,
K.G.Plaza, No.41/44,
G.P.Road, Chennai – 600 002

... Applicant in both cases

Vs.

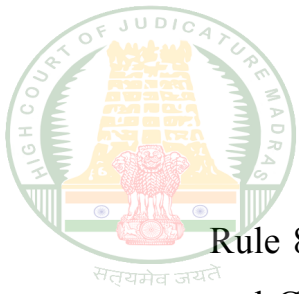
1. Kalaiyarasan K

2. Kandeegan

... Respondents in both cases

Prayer in Arb.Appln.No.408 of 2025:- Applications filed under Order XIV Rule 8 of Original Side Rules r/w. Sec 9(1)(ii) (d) & (e) of the Arbitration and Conciliation Act, 1996, seeking to appoint an Advocate Commissioner to seize and deliver the Asset “TATA-SCV-GOODS-ACE CLB (LIFE TAX)” Vehicle bearing Registration No.TN19W9493 Engine No.275ID106HWYSH1301 Chassis No.MAT445056DVH61221 available at the respondent's premises or wherever found and permit the Advocate Commissioner to obtain police aid and to break open the premises.

Prayer in Arb.Appln.No.410 of 2025:- Applications filed under Order XIV



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Rule 8 of Original Side Rules r/w. Sec 9(1)(ii) (d) & (e) of the Arbitration and Conciliation Act, 1996, seeking to appoint an Advocate Commissioner to seize and deliver the Asset “TATA-SCV-GOODS-ACE HT (LIFE TAX)” Vehicle bearing Registration No.TN02A20324 Engine No.275ID107BVYS16933 Chassis No.MAT445553EVB07457 available at the respondent's premises or wherever found and permit the Advocate Commissioner to obtain police aid and to break open the premises.

For Applicant : Ms.B.Narmadha in both cases

COMMON ORDER

A report has been filed by the Advocate Commissioner stating that the vehicle which is the subject matter of Arb.Appln.No.410 of 2025 has been re-posessed and the custody of the same has been handed over to the applicant. In so far as the Arb.Appln.No.408 of 2025 is concerned, the Advocate Commissioner has stated that the vehicle has been dismantled by the respondents and therefore, the same could not be re-posessed.

2. The Advocate Commissioner complied with the directions of this Court by issuing notice to the respondents. The said notice has been returned as 'refused'. The returned cover has also been filed along with the report of the Advocate Commissioner. The endorsement “Refused” in the



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returned cover amounts to deemed service. Hence, the respondents are set
exparte by this Court.

3. Since the vehicle which is the subject matter of Arb.Appln.No.410 of 2025 has been re-posessed by the Advocate Commissioner and the custody of the same has been handed over to the applicant and, since the vehicle which is the subject matter of Arb.Appln.No.408 of 2025 has been dismantled by the respondents and the respondents have been set exparte by this Court, both these applications are **closed**.

4. The Advocate Commissioner seeks payment of additional remuneration. A sum of Rs.40,000/- has already been paid to the Advocate Commissioner as initial remuneration for both the applications. This Court directs the applicant to pay an additional remuneration of Rs.30,000/- to the Advocate Commissioner within a period of two weeks from the date of receipt of a copy of this order for both the applications.

05.06.2025

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ABDUL QUDDHOSE, J.



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