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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.No. 406 of 2025

Mahaveer Finance India Ltd.,

... Applicant

Vs.

1.Sri Mithran Flyash Bricks and 2 Others

... Respondents

ORDER

Heard Ms.B.Narmadha for Mr.M.Arunachalam, learned counsel for the applicant.

2. The Advocate Commissioner has submitted a report stating that she has been unable to re-possess the vehicle from the respondents, since the Officials are not providing appropriate police protection for the purpose of executing the warrant of commission. As early as on 10.03.2025, this Court appointed an Advocate Commissioner to re-possess the vehicle. Thereafter, on 15.04.2025, on a request made by the Advocate



Commissioner, time was extended for the Advocate Commissioner to execute the warrant of commission.

3. Despite granting extension of time, the Advocate Commissioner has been unable to execute the warrant of commission. No useful purpose will be served, if the application is allowed to be kept pending. Accordingly, this application is closed. However, liberty is granted to the applicant to file a fresh application seeking for appointment of an Advocate Commissioner, once the applicant is able to re-possess the vehicle through an Advocate Commissioner from the respondents or wherever available.

4. While considering the fresh application, this Court shall consider retaining the very same Advocate Commissioner appointed in this application, since the applicant has already paid the initial remuneration to the Advocate Commissioner.

05.06.2025

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ABDUL QUDDHOSE, J.

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