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Arb. Appln. No.438 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2025

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb. Appln. No.438 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.

Mr.Subhash Ramcharan Yadav
Shri Ganesh Rahiwasi Sevasangh,
Prem Nagar, Room 6, Opp Children,
Public High School, Mumbai,
Maharashtra – 400 104.

Also at:

711 Lotas Business Park, Near Hp Petrol Pump,
Malad West Mumbai, Maharashtra – 400 064.

...Respondents

PRAYER

To grant an order appointing an Advocate Commissioner to visit the respondent premises, other areas which is occupied by the Respondent and any other premises of the respondent along with local



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police protection to break open if necessary, and to seize and take custody of the Vehicle hypothecated with applicant being Motor Car bearing No.MH47AU5323, Model RENAULT CAT B/ KWID RXL 800 CC BS6 manufacture RENAULT specifically described in the schedule to the Judge's Summons and hand them over to the Applicant pending adjudication of the disputes between parties through arbitration.

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

For Respondents : Ms. J. Saktheeshwari
Advocate Commissioner

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ORDER

This Court, as early as on 12.03.2025, appointed an Advocate Commissioner to repossess the vehicle from the respondents or wherever available.

2. Thereafter, on 16.04.2025, a request was made by the learned counsel for the applicant, extension of time was granted for the Advocate Commissioner to execute the warrant of commission.



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3. However, till date, the vehicle has not been repossessed by the Advocate Commissioner. Since according to the applicant, the vehicle could not be located, no useful purpose would be served, if this application is allowed to be kept pending.

4. Accordingly, this application is closed by granting liberty to the applicant to file a fresh application seeking for appointment of an Advocate Commissioner once the vehicle is located. While considering the fresh application, this Court shall consider retaining the very same Advocate Commissioner, who has been appointed in this application since the applicant has already paid the initial remuneration to the Advocate Commissioner.

10.06.2025

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ABDUL QUDDHOSE, J.

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