



Arbitration Application No. 447 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

Arbitration Application No. 447 of 2025

M/s.IndusInd Bank Ltd.
Rep. by its Deputy Manager Legal
I.J.Vasantha Rooban Abishek
Having Office at
Consumer Finance Division
No.34, G.N.Chetty Road, T.Nagar
Chennai-600017.

... Applicant

Vs.

Rajkumar alias P.Rajkumar Ponnaiya

... Respondent

PRAYER: Arbitration Application filed under Order XIV Rule 8 Original Side Rules read with Section 9(1)(2)(ii)(a)(b)(d) & (e) of the Arbitration and Conciliation Act, 1996, praying to pass an order of appointment of Advocate Commissioner to seize and deliver the vehicle / Machinery Tata Hitachi, Hydrualic Excavator Model EX200 Standard Crawler Machine with GP Bucket bearing Vehicle Machine Serial No.SP20-35482 to the custody of the applicant, available at the



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respondent premises or wherever found and with whomsoever it is found and permit the Advocate Commissioner to obtain police aid and to break open the premises.

For Applicant : Ms.Meera Gnanasekar

ORDER

A report has been filed by the Advocate Commissioner stating that she has been unable to repossess the vehicle. She has made attempts to repossess the vehicle, but her attempts have gone in vein. She seeks for payment of additional remuneration. The initial remuneration had already been paid by the applicant.

2. This Court had appointed the Advocate Commissioner as early as on 17.03.2025. One extension was already granted to the applicant /Advocate Commissioner to execute the Warrant of Commission. Despite granting sufficient time to execute the Warrant of Commission, till date the vehicle could not be repossessed by the Advocate Commissioner.



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3. No useful purpose would be served if the application is allowed

to be kept pending. Therefore, 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 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 in this application.

09.06.2025

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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ABDUL QUDDHOSE, J.

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