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Arbitration Application No. 501 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

Arbitration Application No. 501 of 2025

Axiz Bank Limited
Rep. by its Authorized Signatory
Mr. Venkatesh. N, S/o. Narayanasamy K.
Legal & Support Team
2nd Floor, Door No.31, Old No.14
South Mada Street, Mylapore, Chennai-4. ... Applicant

Vs.

Saravanan Samy ... Respondent

PRAYER: Arbitration Application filed under Order XIV Rule 8 Original Side Rules read with Section 9(1)(ii)(c) & (e) of the Arbitration and Conciliation Act, 1996, praying 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 police protection to break open if necessary, and to seize and take custody of the vehicle hypothecated with applicant being Motor Car bearing No.TN49CC3328, Model – SONET D1.5 6MT



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HTK PLUS, Manufacture – KIA India Private Limited specifically described in the schedule to the Judges Summons and hand them over to the applicant pending final adjudication of the disputes between the parties through arbitration.

For Applicant : M/s.Ra.Sivadhara Adiyaman

ORDER

The Advocate Commissioner appointed by this Court has complied with the directions issued by this Court through this Court's order dated 24.03.2025. A report to that effect has been filed by the Advocate Commissioner which is taken on record. The Advocate Commissioner seeks for payment of additional remuneration. Since the vehicle has not been repossessed and the respondent has not complied with the conditional order passed by this Court, the amount claimed by the Advocate Commissioner towards her additional remuneration cannot be granted by this Court.

2. Along with the report, the Advocate Commissioner has enclosed certain bills towards expenses incurred by the Advocate Commissioner



for executing the Warrant of Commission. The said bills pertain to room rent and transportation charges. As per the order passed by this Court, the room rent and the transportation charges will have to be borne by the applicant. Since the same has not been paid by the applicant, this Court directs the applicant to pay the 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.

3. The learned counsel for the applicant would submit that the respondent has regularized the loan contract with the applicant and therefore, the applicant is not pressing this application for the present. However, he seeks liberty for the applicant to file a fresh application seeking for appointment of an Advocate Commissioner in case the respondent commits default in the repayment of the loan to the applicant in the near future.



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ABDUL QUDDHOSE, J.

Maya

4. Accordingly, this application is closed. However, liberty as prayed for by the learned counsel for the applicant is granted.

09.06.2025

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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