



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 553 of 2025

M/s HDFC Bank Limited
represented by its Authorised Signatory/
Manager Legal
“Ceebros” No.110, 4th Floor,
Nelson Manickam Road
Aminjikarai, Chennai 600 029

Applicant

Vs

Mr.Uthirasamy.A (Borrower)
No.43, Kothampatti Post
Erode, Tamil Nadu 638 101

Respondent

PRAYER

To appoint an Advocate Commissioner to seize the hypothecated vehicle bearing Registration No.TN 33 BX 3117; Engine No.TNP1A11900 and Chassis No.MA1ZU2TNKP1A14147; handover the same to the applicant.

For Applicant : Ms.M.Deepa

For Respondent : Mr.B.Harish
Advocate Commissioner

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of an Advocate Commissioner for seizing the vehicle in the custody of the respondent, if necessary, with police



protection and by breaking open the premises.

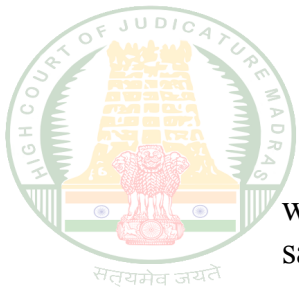
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2. When this application came up for hearing on 08.04.2025, this Court passed the following order:-

“This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an Advocate Commissioner to repossess the vehicle morefully described in the schedule to the Judges Summons.

2. The applicant is a scheduled bank and they have lent money to the respondent for the purpose of purchasing a vehicle under the loan agreement dated 31.01.2023. The respondent has committed default in the repayment of the loan as per the terms and conditions of the loan agreement. The applicant has also recalled the loan through its notice dated 03.03.2025. As seen from the statement of accounts dated 13.02.2025 filed by the applicant, 25 installments are in arrears, which the respondent has not paid to the applicant. The total value of the 25 installments works to Rs.5,66,250/-.

3. Under the loan agreement dated 31.01.2023, the applicant is empowered to repossess the vehicle in case the respondent commits default in the repayment of the loan. There exists an arbitration clause in the loan agreement dated 31.01.2023. The applicant has expressed its willingness to go for arbitration in accordance with the said arbitration clause. The applicant has expressed its difficulty to repossess the vehicle on its own. Since the applicant has made out a prima-facie case for appointment of an Advocate Commissioner, this Court is inclined to appoint an Advocate Commissioner for the purpose of repossessing the vehicle from the respondent or wherever it is found. Eventhough this Court is inclined to appoint an Advocate Commissioner to repossess the vehicle morefully described in the schedule to the Judges Summons, an opportunity must be given to the respondent to take back the vehicle from the applicant once a sum of Rs.5,66,250/- is paid



within a period of three days from the date of seizure of the said vehicle from the respondent.

WEB COPY 4. For the foregoing reasons, this Court is issuing the following directions:-

(a) Mr.B.Harish, Advocate, having office at No.42, Law Chambers, High Court Buildings, Chennai-104, Mobile No.9894850026, is appointed as Advocate Commissioner to repossess the vehicle morefully described in the schedule to the Judges Summons from the respondent or wherever it is available.

(b) The Advocate Commissioner is permitted to obtain the police aid whenever required and he is also permitted to break open the premises in case the vehicle is kept in a locked premises in the presence of the police after taking proper inventory.

(c) On repossession of the subject vehicle, the Advocate Commissioner shall send a communication to the respondent intimating that a sum of Rs.5,66,250/- is due and payable towards the arrears of installment by the respondent to the applicant, in respect of the aforesaid loan agreement.

(d) On receipt of such intimation, the respondent shall pay the aforesaid amount within a period of three days from the date of receipt of a communication from the Advocate Commissioner and on payment of such sum, the applicant shall handover the vehicle back to the respondent and the Advocate Commissioner shall cooperate with the applicant for the same.

(e) The applicant shall initiate arbitration in accordance with the arbitration agreement contained in the contract within a period of 90 days from the date of receipt of a copy of this order. In case, the applicant fails to initiate arbitration within the stipulated time, the order passed by this Court today shall stand automatically vacated and the repossessed vehicle shall also be redelivered back to the respondent by the applicant unconditionally.



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(f) The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- by the applicant within a period of one week from the date of receipt of a copy of this order

(g) Notice to the respondent through Court as well as privately returnable by 03.06.2025.”

3. The matter was once again listed for hearing on 08.07.2025 and the following order was passed by this Court:-

“The Advocate Commissioner has submitted a report, stating that the vehicle has been repossessed and the custody of the same was handed over to the applicant. The Advocate Commissioner also seeks for additional remuneration. The vehicle was seized from Erode.

2. This Court directs the applicant to pay an additional remuneration of Rs.20,000/- to the Advocate Commissioner within a period of two weeks from the date of receipt of a copy of this order.

3. Fresh notice to the respondent, returnable by 12.08.2025. Private notice is also permitted.”

4. In the previous hearing, it was brought to the notice of this Court that the respondent has died and hence steps must be taken to implead the legal representatives. In the considered view of this Court, the vehicle has already been seized and handed over to the applicant. Hence no further orders are required to be passed in this application and the application is, accordingly, closed.

08-10-2025

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**N.ANAND
VENKATESH J.**

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