



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 648 of 2025

1. Cholamandalam Investment And
Finance Co Ltd
Chola Crest, C 54 and 55, Super B-4,
Thiru Vi Ka Industrial Estate, Guindy,
Chennai

Appellant(s)

Vs

Ranjit Dilip Phalke
S/o.Dilip Ganpat Phalke, At Post Satara
Road, Tal Koregaon, Satara,
Maharashtra 415 110.

Respondent(s)

PRAYER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an Advocate Commissioner to seize and deliver the vehicle to applicant which is morefully described in the Schedule to the judges summons which is lying in the custody of respondent or respondents men, agents, servants from respondent premises or wherever found with Police aid and break open of premises if necessary.



WEB COPY

Arb Appln No. 648 of 2025



For Petitioner : Mr.D.Pradeep Kumar

ORDER

This application has been filed for appointment of an Advocate Commissioner to seize and deliver the vehicle to the applicant.

2.This Court passed the following order on 28.4.2025.

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 non-banking financial institution and they have lent money to the respondent for the purpose of purchasing a vehicle under the loan agreement dated 10.06.2021. 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 07.03.2025. As seen from the statement of accounts dated 05.04.2025 filed by the applicant, 12 installments are in arrears, which the respondent has not paid to the applicant. The total value of the 12 installments works to Rs.3,94,140/-.



WEB COPY



3. Under the loan agreement dated 10.06.2021, 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 10.06.2021. 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.3,94,140/- is paid within a period of three days from the date of seizure of the said vehicle from the respondent.

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

(a) Ms.E.Saraswathi, Advocate, having office at Women Lawyer's Association, High Court Building, Chennai-104, Mobile No.9566969182, is appointed as Advocate Commissioner to repossess the vehicle morefully described in



WEB COPY

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 she 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.3,94,140/- 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.

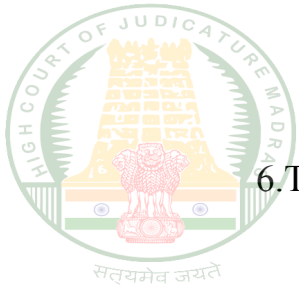
(f) The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- by the applicant within a period of one week from the date of receipt of a copy of this order. All the boarding and lodging expenses shall be borne by the applicant.

(g) Notice to the respondent through Court as well as privately returnable by 18.06.2025.

3.Pursuant to the above order, the Advocate Commissioner has seized the vehicle and handed over the custody to the representative of the applicant Company.

4.The private notice sent to the respondent has been served and affidavit of service has also been filed. There is no appearance either in person or through counsel for the respondent.

5.In the light of the earlier order passed by this Court on 28.4.2025 and also of the fact that already vehicle has been seized and handed over to the applicant, no further orders are required in this application.



Arb Appln No. 648 of 2025



6. This application is disposed of in the above terms. No costs.

WEB COPY

09-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

KP



Arb Appln No. 648 of 2025



WEB COPY

To

Ranjit Dilip Phalke
S/o.Dilip Ganpat Phalke, At Post Satara
Road, Tal Koregaon, Satara,
Maharashtra 415 110.



WEB COPY

Arb Appln No. 648 of 2025



N.ANAND VENKATESH J.
kp

Arb Appln No. 648 of 2025

09-09-2025