



Arbitration Application No. 686 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.07.2025**

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

Arbitration Application No. 686 of 2025

M/s.Cholamandalam Investment and
Finance Company Limited,
'Chola Crest', C 54 & 55, Super B-4,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600032,
Represented by its Authorised Signatory. ... Applicant

Vs.

Mr.Shihabudheen M. ... Respondent

PRAYER: Arbitration Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9(1)(ii)(a)(b)(d) &(e) of the Arbitration and Conciliation Act, 1996, praying to appoint 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 respondent's men, agents, servants from respondent premises or wherever found with police aid and break open of premises if necessary.

For Applicant : Mr.D.Pradeep Kumar



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ABDUL QUDDHOSE, J.

Maya

ORDER

The learned counsel for the applicant would now submit that the vehicle / asset, which is the subject matter of this application is not traceable and therefore, the Warrant of Commission could not be executed by the Advocate Commissioner.

2. In view of the aforesaid submission, no useful purpose would be served, if this application is allowed to be kept pending. Accordingly, this application is closed, by granting liberty to the applicant to file a fresh application seeking for appointment of an Advocate Commissioner to repossess the vehicle / asset, which is the subject matter of this application, as and when the vehicle / asset is traceable. While considering the fresh application, this Court will consider appointing the very same Advocate Commissioner, who was appointed earlier by this Court in this application.

23.07.2025

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

Maya

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