

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 738 of 2025

1. Shriram Finance Limited
Formerly known as M/s.Shriram
Transport Finance Co Ltd, Rep.by
its Power of Attorney /Authorised
Officer Mr.V.Velu No.14A, South
Phase, Industrial Estate,Guindy,
Chennai

Applicant(s)

Vs

1. Samraj and 2 others
S/o.Johnraj, No.73H/6, Manali
New Town, Thiruvallur 600 103.

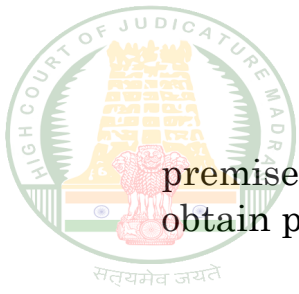
2.Sudhakar S
No.74c/91, Housing Colony,
Andarkuppam, Thiruvallur

3.Gayathri
No.49, Masuthi Slum Area,
Manali New Town, Thiruvallur

Respondent(s)

PRAYER

To pass order of appointment appointing an Advocate Commissioner to seize and deliver the Asset TATA ZEST DIESEL-P Vehicle bearing Registration No.TN02BM 6583, Engine No.100A20000749540, Chassis No.MAT62004JPF08269 available at the Respondents



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premises or wherever found and permit the advocate commissioner to obtain police aid and break open the premises.

For Applicant(s): M/S.R.Rakesh
For Mr. V. Bala Chandra Maree,
Respondent(s): Advocate Commissioner

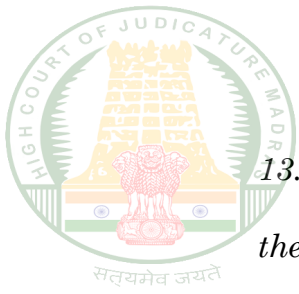
ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act for appointment of an Advocate Commissioner to seize and deliver the vehicle available with the respondent.

2. When the matter came up for hearing on 03.06.2025, 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 by this Court.

2.The applicant is a non-banking financial institution. They have lent money to the respondents under a loan-cum-hypothecation agreement dated 04.05.2023. Under the aforesaid loan agreement, the respondents availed loan for the purchase of vehicle, more fully described in the schedule to the judges summons. The vehicle has been hypothecated with the applicant. The respondents are defaulters in the repayment of loan. They have paid only a sum of Rs.1,41,551/- and the last part-payment made by them was on

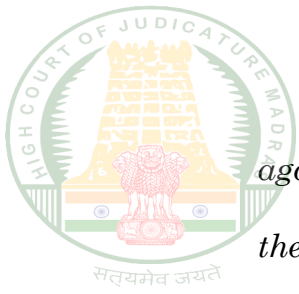


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13.03.2023. The applicant has also made a demand, calling upon the respondents to pay the outstanding arrears of Rs.2,44,922/- through their letter dated 27.12.2024. As seen from the affidavit filed in support of this application, despite several demands having been made, the respondents have not come forward to settle the dues of the applicant under the loan-cum-hypothecation agreement dated 04.05.2023.

3.The applicant is empowered to repossess the vehicle in case the respondents commit default in repayment of the loan. The applicant has expressed its difficulty in repossessing the vehicle on their own. The agreement dated 04.05.2023 contains an arbitration clause. The applicant has expressed its willingness to go for arbitration in accordance with the arbitration clause. They have already recalled the loan through their loan recall notice.

4.This Court, after giving due consideration to the contents of the affidavit filed in support of this application, is of the view that the applicant has made out a prima facie case for the appointment of an Advocate Commissioner by this Court to repossess the vehicle from the respondents, as prayed for in this application. The balance of convenience and irreparable hardship have also been established by the applicant. Once the vehicle is repossessed by the Advocate Commissioner, to enable the respondents to use the vehicle once



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again, they must be put on terms for getting back the vehicle from the applicant after re-possession. In order to strike a balance, the following order is passed by this Court:

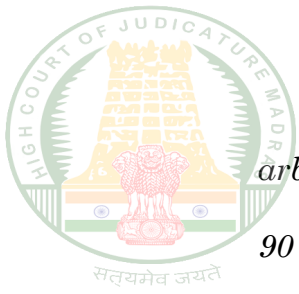
a)Mr.V.Bala Chandra Maree, Advocate, having office at 21A, LIC Colony, Nehruji Nagar, Dindigul 624 001 (Mob. No.98421 97498) is appointed as the Advocate Commissioner to re-posses the vehicle, morefully described in the schedule to the Judges Summons from the respondents from their premises or wherever they are available;

b)The Advocate Commissioner, after re-possessing the vehicle, shall handover interim custody of the same to the applicant, who shall keep it in their safe custody;

c)The Advocate Commissioner, immediately after re-possessing the subject vehicle, shall intimate the respondents either through Registered Post with Acknowledgment Due (RPAD) or by hand delivery through a written communication, that the arrears of installments works out to Rs.5,36,737/-;

d)The respondents, on payment of Rs.5,36,737/- to the applicant within a period of three days from the date when the subject vehicle were re-possessed, are entitled for return of the seized vehicle. On receipt of the sum of Rs.5,36,737/- within the stipulated time as stated supra, the applicant shall re-deliver the subject vehicle back to the respondents with proper acknowledgment and the advocate commissioner shall also render proper assistance for the same;

e)The applicant shall initiate arbitration in accordance with the



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arbitration agreement contained in the contract within a period of 90 days from today. 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 re-possessioned vehicle shall also be re-delivered back to the respondents by the applicant unconditionally;

f)In case, the Advocate Commissioner requires Police assistance due to any law and order problem or due to any obstruction caused by the respondents or by any third party, while re-possessing the vehicle, the advocate commissioner is at liberty to seek police assistance from the concerned police station and the police department shall grant police protection accordingly. In case, break open of the premises, where the vehicle is located, is required, the Advocate Commissioner shall break open the premises in the presence of the police and take an inventory and thereafter re-posses the vehicle;

g)The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- and on receipt of the same, the advocate commissioner shall proceed to execute this order. All the boarding, lodging and travelling expenses for the Advocate Commissioner shall be borne by the applicant. Notice to the respondents returnable by 08.07.2025. Private Notice is also permitted.

3. Pursuant to the above order, an Advocate Commissioner has seized the vehicle and a report has also been filed along with the



relevant documents and photographs.

4. This Court directed the learned counsel for Applicant to effect notice on the respondent through paper publication and accordingly, paper publication has been made and the affidavit of service has been filed. There is no representation for the respondent either in person or through counsel.

5. In the light of the earlier order passed by this Court on 03.06.2025 and the vehicle having been seized by the Advocate Commissioner and handed over to the applicant, no further orders are required to be passed.

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

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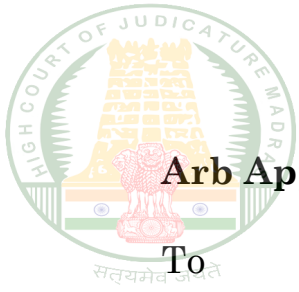
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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