



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 828 of 2025

1. Tata Capital Ltd
By its Associate Legal remedial
R.Kamalakannan
Having its office at
1st Floor, Centennial Square, 6A
Dr Ambedkar Salai
Kodambakkam Chennai 600 024

Appellant(s)

Vs

1. Gariganti Rajarao
3-176, 47th Street, BD Colony,
Dwaraka Nagar, Vinayaka
Temple, Tangellamudi Eluru
Landmark - Sachivalayan West
Godavari,
Andhra Pradesh 534 005.

Respondent(s)

PRAYER

To pass an order appointing an Advocate Commissioner to seize and deliver the JAGUAR LAND ROVER XE 2.0L Diesel Portfolia Model bearing Engine No.180417P0004204DTF Chassis NO.SAJAB4AN3JL996556 bearing reg.No.AP 39 AB 1113 with all accessories fitted to the Vehicle lying 3-176, 47th Street, BD Colony,



Dwaraka Nagar, Vinayaka Temple, Tangellamudi Eluru Landmark -
Sachivalayan West Godavari, Andhra Pradesh 534 005 or wherever it

is found morefully described hereunder, with police aid or break open
the premises or from wherever found and handover the same to the
applicant.

For Appellant(s): M/s.N.K.Vanan
For Mr. M. Ragul Kousik,
Respondent(s): Advocate Commissioner
Court Notice Await Services
P/n-sole Respt- No Such
Person
P/n-aos.D.No. 29133, Dt.
25/07/2025

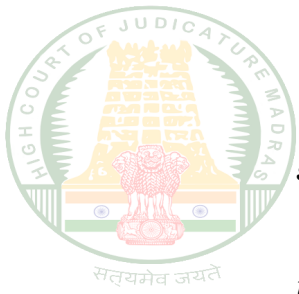
ORDER

When the matter came up for hearing on 01.09.2025, this
Court passed the following order:-

*This Application has been filed seeking for appointment of an
Advocate Commissioner to seize and deliver the vehicle to the
applicant from the respondent.*

2. When the matter was taken up for hearing on 27.06.2025, this
Court passed the following order:

*This application has been filed under Section 9 of the
Arbitration and Conciliation Act, seeking for appointment of
an Advocate Commissioner by this Court to repossess the
vehicle, morefully described in the schedule to the judges*



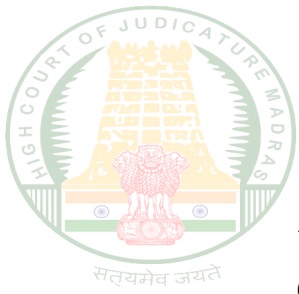
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summon from the respondent or wherever available.

2.The respondent is a defaulter in repayment of the loan to the applicant. The respondent had availed loan for the purchase of vehicle. As on date, the respondent is in arrears of 7 installments amounting to Rs.5,18,687/~. As per the statement of account filed along with this application, a sum of Rs.19,51,371/~ is due and payable by the respondent, which includes arrears of installments, future installments and other charges payable to the applicant as per the terms and conditions of the Loan Agreement dated 26.09.2022. The applicant has already recalled the loan through its Loan Recall Notice dated 07.03.2024. The Loan Agreement dated 26.09.2022 contains an arbitration clause. Under the loan agreement, the applicant is empowered to re~possess the vehicle from the respondent in case the respondent commits default. The applicant has expressed its difficulty in re~possessing the vehicle on their own. Only under the said circumstances, the applicant has filed this application seeking for appointment of an Advocate Commissioner by this Court. In the loan agreement, there exists an arbitration clause. The applicant has expressed its willingness to go for arbitration in accordance with the arbitration clause.

3.Supporting documents have been filed by the applicant in support of this application. Since a prima facie case has been made out by the applicant for appointment of an Advocate Commissioner, this Court is inclined to appoint an Advocate Commissioner as prayed for in this application. To enable the respondent to take back possession of the vehicle from the Advocate Commissioner, 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:



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a) *Mr.M.Ragul Kousik, Advocate, having office at No.8, 4th Street, Venkateswara Nagar, Adyar, Chennai ~ 600 020 (Mob. No.97863 57262) is appointed as the Advocate Commissioner to re~posses the vehicle, morefully described in the schedule to the Judges Summons from the respondent from his premises or wherever available;*

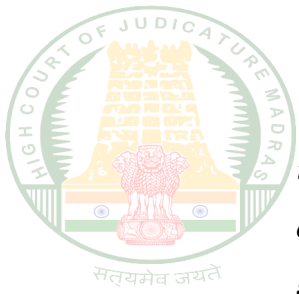
b) *The Advocate Commissioner, after re~possessing the vehicle, shall handover interim custody of the same to the applicant, who shall keep it in their safe custody;*

c) *The Advocate Commissioner, immediately after re~possessing the subject vehicle, shall intimate the respondent either through Registered Post with Acknowledgement Due (RPAD) or by hand delivery through a written communication that the arrears of instalments work out to Rs.5,18,687/~;*

d) *The respondent, on payment of Rs.5,18,687/~ to the applicant within a period of three days from the date when the subject vehicle was re~possessed, is entitled for return of the seized vehicle. On receipt of the sum of Rs.5,18,687/~ within the stipulated time as stated supra, the applicant shall re~deliver the subject vehicle back to the respondent with proper acknowledgement and the advocate commissioner shall also render proper assistance 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 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~possessed vehicle shall also be redelivered back to the respondent 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,*



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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;

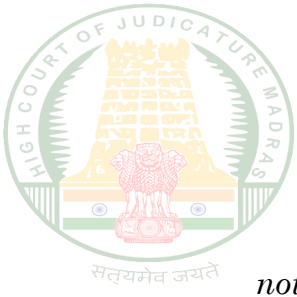
g)The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- and on receipt of the same, the advocate commissioner shall proceed to execute this order. All the boarding, lodging and travelling expenses for the Advocate Commissioner shall be borne by the applicant.

*Notice to the respondent returnable by 04.08.2025.
Private Notice is also permitted.*

3.The respondent has been served with notice and the name of the respondent has also been printed in the cause list but there is no representation either in person or through their counsel.

4.When the matter is taken up for hearing today, the learned Advocate Commissioner submitted that the vehicle has been seized and handed over to the applicant. The report of the Advocate Commissioner along with the relevant documents was placed before this Court. On going through the same, it is seen that the Advocate Commissioner has seized the vehicle on 26.08.2025 and it has been handed over to the applicant.

5.In the light of the order passed by this Court on 27.06.2025, there is nothing more to adjudicate in this case. This Court has made it clear that the respondent has to pay the amount of Rs.5,18,687/~ to the applicant within 3 days from the date when the subject vehicle was repossessed and on such payment, the applicant has been directed to redeliver the vehicle to the respondent.



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6. The respondent is not before this Court and therefore, it is not known as to whether the respondent complied with the direction of this Court. In any case, this Court is inclined to grant one week time to the respondent to pay the amount specified in the order dated 27.06.2025. If such payment is made, the applicant shall re~deliver the vehicle to the respondent. The other conditions imposed by this Court shall remain as it is. The learned Advocate Commissioner sought for additional remuneration and there shall be a direction to the applicant to pay an additional remuneration of Rs.20,000/~ to the Advocate Commissioner.

2. The matter was once again listed for hearing on 15.09.2023 and it was brought to the notice of this by the learned counsel for applicant that the vehicle has been repossessed. Some time was sought for to pay the additional remuneration to the learned Advocate commissioner.

3. When the matter was taken up for hearing today, the learned counsel for applicant submitted that the additional remuneration has been paid to the learned Advocate Commissioner.

4. Compliance is recorded and in view of the fact that the vehicle has been repossessed by the applicant and the respondent has failed to comply with the directions issued by this Court, no further



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orders can be passed in this application and this application is disposed of in the above terms.

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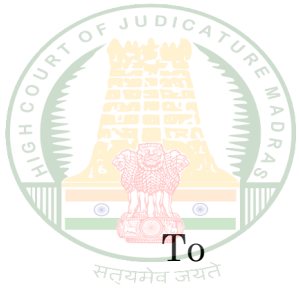
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

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N.ANAND VENKATESH J.
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