



Arb.Appln.No.842 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.08.2025**

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THE HONOURABLE MR JUSTICE **ABDUL QUDDHOSE**

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M/s.IndusInd Bank Ltd.

... Applicant

vs.

Surya Baskar B

... Respondent

For Applicant : M/s.Meera Gnanasekar

For Respondent : Set Exparte

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, seeking for the appointment of an Advocate Commissioner to seize and deliver the vehicle/Machinery Daimler India Commercial Vehicle Pvt. Ltd., BharathBenz 2826C 6X4BSVI N3G-4 bearing vehicle Registration No.TN73AV6868, Vehicle Engine No.926956D0145233 and Vehicle Chassis No.MEC841KBDPP139245 to the custody of the applicant, available at the respondent premises or



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wherever found and with whomsoever it is found and permit the Advocate Commissioner to obtain Police aid and to break open the premises.

2. It is represented by the learned counsel for the applicant that, till date, the vehicle has not been re-posessed. The learned counsel for the applicant submits that the Advocate Commissioner attempted to re-possess the vehicle from the respondent and when such an attempt was made, the respondent has made part payments to the applicant.

3. The Advocate Commissioner submits that since the vehicle was not available on the date when he attempted to execute the warrant of commission, he had to return back. Further, he submitted that after the attempt made by him, the respondent has made part payments. Therefore, he seeks for additional remuneration.

4. Since the Advocate Commissioner has made an attempt to re-possess the vehicle, this Court directs the applicant to pay an additional remuneration of Rs.20,000/- to the Advocate Commissioner, within a period of two (2) weeks from the date of receipt of a copy of this order.



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5. Considering the fact that the respondent has made part payments to the applicant after the attempt made by the Advocate Commissioner to re-possess the vehicle and since the respondent has been set exparte, no useful purpose would be served if this application is allowed to be kept pending.

6. Accordingly, this application is closed. However, liberty is granted to the applicant to file a fresh application seeking for the very same relief, if the need arise in the near future.

20.08.2025

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ABDUL QUDDHOSE. J.

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