



ARB.APPLN.No.883 of 2025

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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.883 of 2025

M/s.Shriram Finance Limited,
Rep.by its Authorized Signatory,
Mr.V.Velu,
S/o.Vengatan,
Having its Registered Office at
Sri Towers, Plot No.14A,
South Phase, Industrial Estate,
Guindy, Chennai-600 032.

Applicant

Vs.

1.Gomathi
2.Arun Wilfred

Respondents

Prayer: Arbitration Application filed under Order XIV Rule 8 of O.S Rules read with Section 9(ii)(b) and (e) of Arbitration and Conciliation Act, 1996, to appoint an Advocate Commissioner with direction to seize the schedule mentioned vehicle which is lying under the custody of the respondent or his men, agent, servants or anyone claiming under them from the premises of the first respondent at No.10, Seethapathy Street, Madhavaram, Near Bus Stand, Ambattur, Tiruvallur, Tamil Nadu-600 060 or at any other place where the scheduled asset is found, with the Police aid and by break open the locks if necessary and to take the same into his custody, with liberty to sell the same and adjust the sale proceeds against the outstanding.



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For Applicant : Mr.G.Vinu

For Respondents : No appearance

ORDER

This Application has been filed under Section 9 of the Arbitration and Conciliation Act for appointment of Advocate Commissioner for seizing the vehicle and to handover it to the applicant.

2. This Court passed the following order on 07.07.2025:-

“ 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 re-possess the vehicle, morefully described in the schedule to the judges summon from the respondents or wherever available.

2.The respondents have availed Working Capital Loan as well as the Vehicle Loan from the applicant. They have entered into an agreement dated 20.03.2018. The respondents are defaulters in re-payment of the loan to the applicant. As seen from the statement of account filed along with this application, a sum of Rs.33,19,142/- is due and payable by the respondents to the applicant. As on date, the arrears and principal amount due and payable by the respondents to the applicant are



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approximately Rs.5,00,000/-. The applicant has expressed its willingness to go for arbitration in accordance with the arbitration clause. Under the loan agreement, the applicant is empowered to re-possess the vehicle from the respondents in case the respondents commit default in repayment of the loan. The applicant has expressed its difficulty in re-possessing the vehicle on its own.

4.This Court is satisfied that a prima facie case has been made out by the applicant for appointment of an Advocate Commissioner and the balance of convenience and irreparable hardship have also been established. To enable the respondents to get back the 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:

a)Mr.Y.Venkatesan, Advocate, having office at No.479, New Additional Law Chambers, High Court Building, Chennai - 600 104 (Mob.No.94452 35846) 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 available;

b)The Advocate Commissioner, after re-possessing the vehicle, shall handover interim custody of the same to



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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 installment works out to Rs.5,00,000/-;

d)The respondents, on payment of Rs.5,00,000/- to the applicant within a period of three days from the date when the subject vehicle was re-possessed, are entitled for return of the seized vehicle. On receipt of the sum of Rs.5,00,000/- 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 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 respondents by the applicant unconditionally;



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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 11.08.2025. Private Notice is also permitted.”

3. When the matter came up for hearing on 10.09.2025, the Advocate Commissioner was not present before the Court and there was also no representation on behalf of the Advocate Commissioner.



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Therefore, this Court directed the Advocate Commissioner to be present before the Court during the next date of hearing.

4. When the matter was taken up for hearing today, the learned counsel appearing for the applicant submitted that warrant has been executed and the vehicle has been seized and handed over to the representative of the applicant Company.

5. Even today, the Advocate Commissioner was not present at the time of hearing. However, considering the fact that the vehicle has already been seized by the Advocate Commissioner and handed over to the applicant Company and the respondents have been served in the application and their names have also been printed in the cause list and they not represented either in person or through counsel, no further orders are required to be passed in this application, except recording the fact that the Advocate Commissioner has seized the vehicle and handed over it to the applicant.



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6. This Application is disposed of in the above terms. There shall be no order as to costs.

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Index: Yes/No

Speaking order/Non-speaking order

NCC: Yes/No



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