



WEB COPY



1/8

Arb Appln No. 901 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 901 of 2025

M/s.HDB Financial Services Limited

Having one of its branch office at:

4th Floor, Loyal Towers, No.68/2,

Greens Road, Chennai 600 006.

Represented by its Authorised Signatory

Mr.P.Saravanan

Appellant(s)

Vs

1.Karikalan

S/o.Mathiyazhagan M

No.71, Main Road, Thiruvenganur

Vadugapalayam Thirumanur,

Tirumanur 621 715 Tamil Nadu

2.Mathiyazhagan M

S/o.T.Mathaiyan

No.71, Main Road, Thiruvenganur

Vadugapalayam Thirumanur,

Tirumanur 621 715 Tamil Nadu

Respondent(s)



WEB COPY

PRAAYER This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, to appoint an Advocate Commissioner to seize and deliver the Asset "MAHINDRA-MARAZZO 8 STR M2" Motor Car bearing Registration No.TN-61-T-0006 and Engine No.ESKZG63758 and Chassis No.MA1WA2ES1KSH22046 available at the Respondents's premises or wherever found and permit the Advocate Commissioner to obtain police aid and to break open the premises.

For Applicant(s): Mr.M.Arunachalam

ORDER

This application has been filed for appointment of an Advocate Commissioner to seize and deliver the vehicle to the applicant.

2.This Court passed the following order on 11.07.2025.

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 repossess the vehicle from the respondents or wherever available.



WEB COPY

2.The respondents are defaulters in repayment of the loan to the applicant. An Arbitral Award has already been passed in favour of the applicant on 06.06.2025. The applicant will have to wait for four months from the date of receipt of a copy of the arbitral award by the respondents to enable the applicant to file the execution petition to execute the arbitral award. In the interregnum, the applicant claims that they have now located the vehicle, which is hypothecated to the applicant under the loan agreement, entered into by the respondents with the applicant. The applicant, during the pendency of arbitration, has been unable to re-possess the vehicle. According to them, only now the vehicle is located. Only under those circumstances, they have filed this application seeking for appointment of an Advocate Commissioner by this Court. As per the Arbitral Award dated 06.06.2025 passed in favour of the applicant against the respondents, a sum of Rs.7,62,652.48 is due and payable by the respondents to the applicant as on 01.07.2025.

3.This Court, after giving due consideration to the averments contained in the affidavit filed in support of this application, is of the considered view that a prima facie case has been made out by the applicant for the appointment of an Advocate Commissioner by this Court. The balance of convenience and irreparable hardship have also been established by the applicant. However, this order will hold good only for a period of four months from the date of receipt of a copy of the Arbitral Award by the respondents. Once four months period gets expired, this application shall stand automatically closed granting



WEB COPY

liberty to the applicant to file an Execution Petition to execute the Arbitral Award passed in their favour on 06.06.2025.

4. Accordingly, the following directions are issued by this Court:

a) Mr. P.S. Akilan, Advocate, having office at No.26, Joseph Colony, Adambakkam, Chennai - 600 088 (Mob. No.95000 15092) is appointed as the Advocate Commissioner to re-possess the vehicle more fully described in the schedule to the Judges Summons from the respondents' 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) 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-possess the vehicle;

d) 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,



WEB COPY

lodging and travelling expenses for the Advocate Commissioner shall be borne by the applicant.

Notice to the respondents returnable by 18.08.2025. Private Notice is also permitted.

3.Pursuant to the above order, the Advocate Commissioner has seized the vehicle and handed over the custody to the representative of the applicant Company.

4.The respondents have refused to receive the private notice. Hence, service is deemed to be completed. There is no appearance either in person or through counsel for the respondents.

5.In the light of the earlier order passed by this Court on 11.07.2025 and also of the fact that already the vehicle has been seized and handed over to the applicant, no further orders are required to be passed in this application.



WEB COPY

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

7.The learned Advocate Commissioner has filed a memo seeking for additional remuneration. The applicant is directed to pay a further sum of Rs.10,000/- towards additional remuneration to the Advocate Commissioner.

09-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



7/8

Arb Appln No. 901 of 2025

WEB COPY

To
Mr.P.S.Akilan, Advocate,
having office at No.26, Joseph Colony,
Adambakkam,
Chennai - 600 088
(Mob. No.95000 15092)



WEB COPY



8/8

Arb Appln No. 901 of 2025

N.ANAND VENKATESH J.

SSI

Arb Appln No. 901 of 2025

09-09-2025