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Arbitration Application No.921 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

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THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Arbitration Application No.921 of 2025

M/s.Cholamandalam Investment and Finance
Company Limited

'Chola Crest', C 54 & 55, Super B-4

Thiru.Vi.Ka Industrial Estate

Guindy, Chennai – 600 032.

Represented by its Authorised Signatory

..... Applicant

Vs

M/s.S.K.Enterprises

Prop.Mr.Suraj R.Khandagale

S.R.No.165, Gurudwara Colony

Lohagaon, Near Gurudwara Temple

Pune, Maharashtra – 411 047.

..... Respondent

Prayer : Application filed under Order XIV Rule 8 of O.S.Rules read with Section 9(1)(ii)(a)(b)(d)&(e) of Arbitration and Conciliation Act, 1996, praying to appoint an Advocate Commissioner to seize and deliver the vehicle to applicant which is morefully described in the schedule to the Judges Summons which is lying in the custody of respondent or respondent's men, agents, servants from respondent premises or wherever found with police aid and break open of premises if necessary and pass orders.



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

a)Mr.G.Jagadeesan, Advocate, having office at No.135, Additional Law Chamber, High Court Campus, Chennai - 600 104 (Mob. Nos.90940 29567/99520 71453) is appointed as the Advocate Commissioner to re-posses the equipment, morefully described in the schedule to the Judges Summons from the respondent's premises or wherever available;

b)The Advocate Commissioner, after re-possessing the equipment, 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 equipment, shall intimate the respondent either through Registered Post with Acknowledgment Due (RPAD) or by hand delivery through a written communication that the arrears of installments work out to Rs.1,41,580/-;



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d)The respondent, on payment of Rs.1,41,580/- to the applicant within a period of three days from the date when the subject equipment was re-posseessed, is entitled for return of the seized equipment. On receipt of the sum of Rs.1,41,580/- within the stipulated time as stated supra, the applicant shall re-deliver the subject equipment back to the respondent 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-posseessed equipment 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, while re-posseessing the equipment, 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 equipment 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 equipment;

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 19.08.2025. Private Notice is also permitted. ”

3. Thereafter, the matter was listed for hearing on 19.08.2025 and 23.09.2025 and during the said hearings, this Court had extended the time to execute the warrant. When the matter came up for hearing on 14.10.2025, it was reported before this Court by the learned counsel for the applicant that he could not ascertain the service of notice, as the same do not reflect in the internet postal tracking. Hence, this Court directed the learned counsel for the applicant to effect service on the respondent through paper publication. Further, this Court substituted Mr.Bhagwat Madhukar, Shelke, Branch Receivables Manager as the Court Receiver to execute the warrant, in the place of Advocate Commissioner who was originally appointed.

4. Pursuant to the above order, the paper publication was effected and the proof of affidavit has been filed, despite which, there is no representation for the respondent either in person or through counsel today.



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5. The learned counsel for the applicant submitted that the vehicle is yet to be seized.

6. In view of the above, the earlier order passed by this Court on 14.10.2025 is made absolute and the employee of the applicant viz., Mr.Bhagwat Madhukar Shelke, Branch Receivables Manager, who was already appointed by this Court, shall seize the vehicle and hand over the same to the applicant.

7. The application is disposed of in the above terms. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation: Yes / No
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N.ANAND VENKATESH,J.

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