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Arb Appln No. 962 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 962 of 2025

M/s Shriram Finance Limited Rep by
its Power of Attorney Mr.S.Jayakumar
Plot No.168, HIG II, TNHB
Phase 1, Mogappair, Chennai 600 037

Applicant(s)

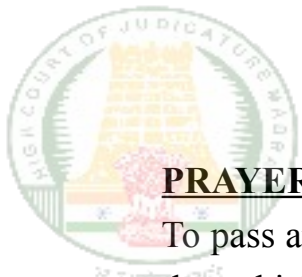
Vs

1. Mrs.S Jeya
D/o.Mr.Subburaj,
No.3/333, 3rd Block,
Mogappair West, Chennai 600 037.

2. Mr.R.Praveen Kumar
S/o Rajagopal
No.3/333, 3rd Block
Mogappair West, Chennai 600 037

3. Mr.Jayaraman
S/o Mr.Pattabiraman
No.3/348, 3rd Block
Karumariyamman Koil Street,
Mogappair West, Chennai 600 037

Respondent(s)



PRAYER

To pass an order of appointment of Advocate Commissioner as receiver to seize the vehicle more particularly described in the schedule to the Judges Summon wherever stationed in the premises of the respondents or wherever it is found and with whomsoever it is found with powers to break open the premises and grant permission to the receiver to obtain police aid from the concerned police Officer.

For Applicant(s): Mr.M.Karthikeyan

For Respondent(s): Mr.R.M.D.Nasrullah,
Advocate Commissioner

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of an Advocate Commissioner as receiver for seizing the vehicle in the custody of the respondents, if necessary, with police protection and by breaking open the premises.

2. When this application came up for hearing on 18.07.2025, this Court passed the following order:-

“This application has been filed under Section 9 of the Arbitration and Conciliation Act, seeking for the appointment of an Advocate Commissioner by this Court to re-possess the vehicle, morefully described in the schedule to the judges summons from the respondents or wherever available.

2.The respondents are defaulters in re-payment of the loan to the applicant. The respondents have paid only 14



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installments and as on date, 7 installments are due and payable by the respondents to the applicant. The applicant has already recalled the loan through a Loan Recall Notice. 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. Only under the said circumstances, the applicant has filed this application seeking for the appointment of an Advocate Commissioner by this Court. The arrears of 7 installments due and payable by the respondents to the applicant as on date works out to Rs.4,73,399/-. 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. The statement of account has been filed, which reveals that a sum of Rs.9,46,662/- is due and payable by the respondents as on date, which includes arrears of installments, future installments, penal interest and other charges payable by the respondents under the loan agreement.

4.This Court is satisfied that a prima facie case has been made out by the applicant for the 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:



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a)Mr.R.M.D.Nasrullah, Advocate, having office at No.98/1, 1st Street, Jai Nagar, Arumbakkam, Chennai - 600 106 (Mob. No.90031 51552) is appointed as the Advocate Commissioner to re-posses the vehicle, morefully 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)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.4,73,399/-;

d)The respondents, on payment of Rs.4,73,399/- to the applicant within a period of three days from the date when the subject vehicle was repossessed, are entitled for return of the seized vehicle. On receipt of the sum of Rs.4,73,399/- 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 25.08.2025. Private Notice is also permitted. ”

3. The private notice that was sent to the respondents 1 & 2 has been returned with an endorsement “addressee left without instruction” and the private notice sent to the 3rd respondent has been served and affidavit of service has also been filed. Even though notice has been served on the third respondent, there is no appearance either in person or through counsel.



4. It is brought to the notice of this Court that the vehicle has not been seized and the learned Advocate Commissioner seeks for extension of the period of warrant.

5. In view of the above, in the place of the Advocate Commissioner, Mr.Rajeev, Legal Officer-Shriram Finance, Phone No.73586 91484 is appointed as Receiver for seizing the subject vehicle from the respondents or wherever it is found and by breaking open the premises, if required, with police aid.

6. This application stands disposed of in the above terms.

29-10-2025

SS

To

1. Mrs.S Jeya
D/o.Mr.Subburaj,
No.3/333, 3rd Block,
Mogappair West, Chennai 600 037.

2. Mr.R.Praveen Kumar
S/o Rajagopal
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3. Mr.Jayaraman

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**N.ANAND
VENKATESH J.**

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