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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 963 of 2025

M/s.Mercedes Benz Financial Services India Pvt Ltd
5th Floor, Plot 8, Baashyam Willow Square,
9 and 10, First Street, Thiruvika Industrial Estate, Guindy,
Chennai 600032, Tamil Nadu, India
Represented by its Authorised Signatory

Applicant(s)

Vs

1. Garg International Yarn
Rep.by Mr.Jagmohan Grag,
Plot No.74, Nim Wala Chowk,
Ludhiana, Punjab 141 001.

2.Jagmohan Garg
HNO-66, Block-A, Agar Nagar,
Ludhiana, Punjab 141001

Respondent(s)

PRAYER This petition has been filed under XIV Rule 8 of OS Rules read with
Section 9 (ii)(d) & (e) of the Arbitration and Conciliation Act, 1996, praying to



appoint an Advocate Commissioner to seize and deliver the Asset Mercedes-Benz SKD W206 C 220D MY 23 carbearing Engine No.65482080057191 and Chassis No.W1KAF0EBXPL008330 available at the Respondent'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 under Section 9 of the Arbitration and Conciliation Act, 1996, seeking for the appointment of an Advocate Commissioner by this Court.

2.When the matter 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.



a balance, the following order is passed by this Court:

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a) Ms. R. Roshini, Advocate, having office at No.26-B, Pandu Kilx Plaza, Thambu Chetty Street, Near Madras High Court, Chennai - 600 001 (Mob. No.96000 54559) is appointed as the Advocate Commissioner to repossess 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 installments work out to Rs.4,86,600/-;

d) The respondents, on payment of Rs.4,86,600/- 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.4,86,600/- 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 re-delivered back to the respondents 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-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.

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3. Pursuant to the above order, the vehicle has been seized and handed over to the applicant by the learned Advocate Commissioner.

4. When the matter came up for hearing on 25.08.2025, the respondents submitted that they will settle the amount and direction was also issued in this regard. Till date no steps have been taken.

5. In the light of the earlier order passed by this Court on 25.08.2025, no further orders are required to be passed in this case. If at all the respondents wants to settle, it is left open to the respondents to approach the applicant and make the settlement.

6. Considering the fact that the Advocate Commissioner had seized the vehicle at Punjab, there shall be a direction to the respondents to pay an additional remuneration of Rs.25,000/- to the learned Advocate Commissioner.



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7. This application is disposed of in the above terms. No Costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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