



ARB.APPLN.Nos.991 of 2025 etc., batch

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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.Nos.991, 993, 1035, 1036 & 1037 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 in all cases

Vs.

S.Muralidharan

Respondent in all cases

COMMON PRAYER: Applications filed under Order XIV Rule 8 of Original Side Rules, r/w.Section 9(1)(ii)(a)(b)(d)&(e) of the Arbitration and Conciliation Act, 1996 to appoint an Advocate Commissioner to seize and deliver the construction equipment to applicant which is more fully described in the schedule to the Judges Summons which is lying in the custody of respondent or respondent's men, agents, servants from the respondent premises or wherever found with Police aid and break open of premises if necessary.



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For Applicant : Mr.D.Pradeep Kumar
in all cases

For Respondent : Mr.S.Indrajita
in all cases

COMMON ORDER

These applications have been filed under Section 9 of the Arbitration and Conciliation Act, for appointment of Advocate Commissioner to seize and deliver the equipments described in the schedule to the Judges' summons which are lying in the custody of the respondent.

2. This Court, on considering the facts and circumstances and the materials placed before the Court, was pleased to appoint Advocate Commissioners by orders dated 23.07.2025, 01.08.2025 and 24.07.2025. Insofar as Application Nos.1035 to 1037 are concerned, one Advocate Commissioner was appointed. Insofar as Application Nos.991 and 993 of 2025 are concerned, two separate Advocate Commissioners were appointed.



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3. The property that is involved in all these applications are either mobile crane or excavator.

4. Pursuant to the order passed by this Court, report has been filed in all the applications. Insofar as Application No.991 of 2025 is concerned, the learned Advocate Commissioner has stated that due to non-cooperation on the part of the local Police, the Advocate Commissioner was not able to identify the property. The same is the case even in the report that has been filed in Application No.993 of 2025. Insofar as the report that has been filed in Application Nos.1035 to 1037 is concerned, it is seen that the Advocate Commissioner was not able to ascertain the whereabouts of the property and therefore, he was not able to seize the property.

5. When the matters came up for hearing on 03.09.2025, the learned counsel appearing on behalf of the respondent in all these applications sought for some time to file an undertaking affidavit before this Court.



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6. When the matters were taken up for hearing today, individual undertaking affidavits have been filed in all these applications. The respondent was also present before the Court. The respondent has undertaken that he will settle the entire dues payable to the applicant within a period of three months from 16.09.2025 and he has also undertaken that the machineries/vehicles will not be encumbered or alienated or otherwise dealt with in any manner whatsoever and it will be kept intact until repayment of the entire dues.

7. The learned counsel appearing for the respondent, on instructions, submitted that if the dues are not repaid as undertaken before this Court, the respondent undertakes to handover the machineries/vehicles to the applicant.

8. The learned counsel appearing for the applicant submitted that if the respondent is intending to settle the amount, this Court can consider granting some time. However, the respondent must regularize the payment since atleast 3 to 4 installments are due and payable in each of these applications. If three months time is granted for payment of the



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dues, the respondent will not make any payment for the coming three months. Hence, the learned counsel requested this Court to direct the respondent to regularize the payments and to settle the entire amount due and payable within a time frame fixed by this Court.

9. This Court carefully considered the submissions made on either side and also the undertaking affidavit that has been filed by the respondent in each applications.

10. The respondent has come before this Court and has undertaken that he will pay the entire amount due and payable to the applicant in three months from 16.09.2025. The respondent has also undertaken that he will not alienate or encumber or deal with the machineries/vehicle and keep intact till the entire amount is repaid back. A further undertaking has been given by the learned counsel appearing for the respondent on instructions given by the respondent, who is present before the Court in person, that if the entire amount is not paid within three months, the respondent undertakes to handover the machineries/vehicles to the applicant.



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11. In each application, the respondent is due and payable atleast 3 to 4 installments. Hence, if the respondent is permitted to settle the entire dues in three months, no payment will be forthcoming from the respondent for some time and that may lead to a situation where the account may be declared as Non-Performing Asset which may have its own consequences.

12. In view of the above, in order to strike a balance based on the undertaking given by the respondent, the respondent is directed to regularize the loan account with respect to the loan agreement covered under Application Nos.991 and 993 of 2025 within a period of six weeks from the date of receipt of a copy of this order. The entire amount shall be settled within a period of two months thereafter. Insofar as the loan agreement covered under Application Nos.1035 to 1037 is concerned, the entire loan amount shall be settled within a period of three months from 16.09.2025. It is made clear that the respondent will strictly comply with the directions and also keep in mind the undertaking given before this Court.



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13. The learned Advocate Commissioners who were appointed in these applications have filed a memo and sought for additional remuneration. There shall be a direction to the applicant to pay an additional remuneration of Rs.10,000/- (Rupees Ten Thousand Only) to the respective Advocate Commissioners appointed in these applications.

14. Accordingly, all these applications are disposed of in the above terms. There shall be no order as to costs.

16-09-2025

ssb

Index:Yes/No

Speaking order/Non-speaking order

NCC:Yes/No



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N.ANAND VENKATESH, J

ssb

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