



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1044 of 2025

1. Shriram Finance Limited

Rep.by its Authorized Signatory

Mr.Sakthivel, S/o.Mani E

Having its Registered Office at,

Sri Towers, Plot No.14A,

South Phase, industrial Estate,

Guindy, Chennai.

Appellant(s)

Vs

1. Santhanamariyappan R

No.4130 B Type 1st Main Road,

Mathur, MMDA, Manali,

Everest Bakery Back Side, Ambattur,

Tiruvallur 600 068.

2.Mr.Ramesh A

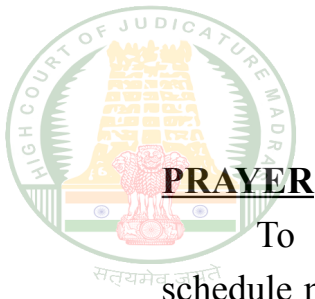
Old No.17/2, Sasthri Nagar,

Periyasekkadu, MMC Madhavaram

Milk Colony, Vivekananda School,

Ambattur, Tiruvallur 600 051.

Respondent(s)



PRAYER

To appoint an Advocate Commissioner with direction to seize the schedule mentioned vehicle which is lying under the custody of the respondent or his men, agent, servants or anyone claiming under them from the premises of 1st Respondent at No.4130 B Type, 1st Main Road, Mathur, MMDA Manali, Everest Bakery Back Side, Ambattur, Tiruvallur 600 068 or any other place where the scheduled asset is found, with the police aid and by break open the locks if necessary and to take the same into his custody, with liberty to sell the same and adjust the sale proceeds against the outstanding.

For Appellant(s): Mr. Vinu G

ORDER

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

2.This Court ordered notice in the above application and notice has been served on the respondents and their names have also been printed in the cause list.

3.Heard the learned counsel for the applicant and carefully perused the materials available on record.



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4. The applicant had extended vehicle loan to the respondents. They also entered into a loan agreement dated 04.01.2018 for a total loan amount of Rs.39,00,178/-. This amount was repayable in 63 monthly installments. The vehicle was hypothecated with the applicant.

5. The respondents committed default in repayment of the loan and hence arbitration proceedings were initiated. An award came to be passed on 12.04.2024. Thereafter, since the applicant was not able to trace the Car, the present application was filed before this Court under Section 9 of the Arbitration and Conciliation Act, 1996 to seize the vehicle and to hand over the same to the applicant.

6. In the considered view of this Court, Section 9 of the Arbitration Act can be invoked even post award, till the award is executed. The award was passed in April 2024 and for more than a year, no steps have been taken to execute the award. If this award has become final, nothing stops the applicant from filing an execution petition and seek for the same prayer before the



Execution Court. This Court cannot be used as a recovery agent by the applicant more particularly since an award has already been passed and it needs to be executed by the applicant.

7.In the light of the above discussion, liberty is granted to the applicant to execute the award passed on 12.04.2025 and seek for the same relief before the Execution Court.

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

01-09-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

KP



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To

1.Santhanamariyappan
No.4130 B Type 1st Main Road,
Mathur, MMDA, Manali, Everest
Bakery Back Side, Ambattur, Tiruvallur
600 068.

2.Mr.Ramesh A
Old No.17/2, Sasthri Nagar,
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N.ANAND VENKATESH J.

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