



WEB COPY



Arbitration Application Nos.1031, 1032 & 1033 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application Nos.1031, 1032 & 1033 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
applications

Vs

Ranjithkumar M.
S/o.Mani

... Respondent in all
applications

Arbitration Applications (Com.Div.) filed under Order XIV Rule 8 of OS Rules read with Section 9(1)(ii)(a)(b)(d) & (e) of the Arbitration and Conciliation Act, 1996, praying to appoint an Advocate Commissioner to seize and deliver the vehicle to the 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 the premises, if necessary.

For Applicant : Mr.D.Pradeep Kumar
[in all applns.]
For Respondent : Mr.S.Pushpakaran
[in all applns.]



Arbitration Application Nos.1031, 1032 & 1033 of 2025

COMMON ORDER

WEB COPY

These applications have been filed under Section 9 of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] seeking appointment of an Advocate Commissioner to re-possess the respective vehicles from the respondent.

2. When these applications came up for hearing on 01.08.2025, this Court passed the following order:

“These applications have been filed under Section 9 of the Arbitration and Conciliation Act, seeking for the appointment of an Advocate Commissioner to repossess the respective vehicles more fully described in the respective schedule to the respective Judges Summons from the respondent or wherever available.

2.The respondent is a defaulter in the repayment of the loan to the applicant. He availed loan for the purchase of vehicles. The vehicles hypothecated to the applicant are more fully described in the respective schedule to the respective Judges Summons in these applications. Under the respective loan agreements, the applicant is empowered to repossess the vehicles from the respondent, in case he commits default in the repayment of the loan to the applicant. There exists an arbitration clause in the loan contracts, which are the subject matter of these applications. In Arb.Appln. Nos.1031 & 1032 of 2025, the applicant has already initiated arbitration by appointing an Arbitrator. In Arb.Appln. No.1033 of 2025, the applicant has invoked arbitration clause by issuing notice to the respondent and has complied with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. The applicant has already recalled the loan from the respondent through its loan recall notices.



Arbitration Application Nos.1031, 1032 & 1033 of 2025

3.Since the applicant has been unable to re-possess the vehicles on their own, they have filed these applications seeking for the appointment of an Advocate Commissioner by this Court to repossess the vehicles from the respondent or wherever available. The details of the amounts due and payable by the respondent to the applicant are furnished below:

<i>Arb. Appln. Nos.</i>	<i>No. of installments due</i>	<i>Arrears of Installments (in Rs.)</i>	<i>Total outstanding amount (in Rs.)</i>
1031 of 2025	6	1,18,800	7,22,999.36
1032 of 2025	6	1,53,600	9,31,309.08
1033 of 2025	6	1,08,000	3,96,713.62

4.This Court, after giving due consideration to the contents of the affidavit filed in support of these applications as well as the documents filed along with these applications, is of the considered view that a prima facie case has been made out by the applicant for the appointment of an Advocate Commissioner by this Court to re-possess the vehicles from the respondent or wherever available. However, in order to strike a balance to enable the respondent to get back possession of the vehicles, once they are re-possessed by the Advocate Commissioner, this Court deems it fit to put the respondent on terms by directing the respondent to pay the arrears of installments due as on date under the respective contracts within a period of three days from the date when the Advocate Commissioner re-possess the vehicles from the respondent or wherever available.

5.The details of the amounts payable by the respondent within a period of three days from the date of the respective communication from the Advocate Commissioner under each of the loan agreements to enable them to get back the vehicles from the applicant after they are re-possessed by the Advocate Commissioner are as follows:

<i>Arb. Appln. No.</i>	<i>Arrears of Installments (in Rs.)</i>
1031 of 2025	1,18,800
1032 of 2025	1,53,600
1033 of 2025	1,08,000



6. Accordingly, the following directions are issued by this Court:

a) Mr. M. Sedhumadhavan, Advocate, having address at Nishar Law Chamber, No.103/50, Phase I, Room No.K, 2nd Floor, Armenian Street, Chennai - 600 001 (Mob. No.94439 47494) is appointed as the Advocate Commissioner to re-possess the vehicles morefully described in the respective schedule to the respective Judges Summons from the respondent or from his premises or wherever available;

b) The Advocate Commissioner, after re-possessing the respective vehicles, 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 respective vehicle, shall intimate the respondent either through Registered Post with Acknowledgment Due (RPAD) or by hand delivery through a written communication, that he is in arrears of installments payable to the applicant;

d) The respondent, on payment of the respective arrears of installments, as disclosed in paragraph No.5 of this order to the applicant within a period of three days from the date when the respective vehicles were re-possessed, is entitled for return of the seized respective vehicles, provided an undertaking is given by the respondent that the respondent shall pay the future installments on the due dates, without any default. On receipt of the arrears of installments within the stipulated time as stated supra, the applicant shall re-deliver the respective vehicles back to the respondent with proper acknowledgment and the Advocate Commissioner shall also render proper assistance for the same;

e) In Arb.Appln. No.1033 of 2025, 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 respondent by the applicant unconditionally;



WEB COPY



Arbitration Application Nos.1031, 1032 & 1033 of 2025

f) In case, the Advocate Commissioner requires Police assistance due to any law and order problem or due to any obstruction caused by the respondent or by any third party, while re-possessing the respective vehicles, 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 respective vehicles are located, if required, the Advocate Commissioner shall break open the premises in the presence of the police and take an inventory and thereafter re-posses the respective vehicles;

g)The Advocate Commissioner shall be paid an initial remuneration of Rs.50,000/-, which is payable by the applicant, who shall pay the same before the execution of the warrant of commission 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 08.09.2025. Private Notice is also permitted.”

3. Pursuant to the above order, the Advocate Commissioner appointed by this Court attempted to re-possess the vehicle. Police protection was also sought. However, the Advocate Commissioner was obstructed in the execution of the warrant by the respondent and his father. This was brought to the notice of this Court when the application came up for hearing on 03.09.2025. Hence, this Court issued a non-bailable warrant against the respondent and directed the Inspector of Police, S10, Pallikaranai Police Station, Medavakkam, Chennai, to



execute the non-bailable warrant and produce the respondent before the Court.

4. The non-bailable warrant was not able to be executed since the whereabouts of respondent and his father was not known. When the applications came up for hearing on 22.10.2025, the second respondent and his father were present before the Court with their counsel and this Court passed the following order:

“In the light of the order passed by this Court in A.Nos.1041 etc., batch of 2025 and in view of the fact that the respondent in this case is also involved in the other applications, there shall be a direction to the respondent to make available all the three vehicles, which is the subject matter in these applications in the office of the respondent.

2. The learned counsel for the Advocate Commissioner shall go over to the office of the respondent on 25.10.2025 and formally seize those vehicles. Those vehicles shall be kept in the office of the respondent, until further orders are passed by this Court.

3. A report shall be filed before this Court by the learned Advocate commissioner during the next date of hearing. The respondent shall also be present before the Court during the next date of hearing and shall give an undertaking affidavit before this Court as to when the loan amount taken from the applicant will be cleared. The three vehicles that are seized by the learned Advocate Commissioner and kept in the office of the respondent shall not be removed from the office, until further orders are passed by this Court.

4. Post these applications for hearing on 29.10.2025.”

5. Pursuant to the above order, the applications were listed on



29.10.2025 and the following order came to be passed by this Court:

WEB COPY

“Pursuant to the earlier order passed by this Court on 22.10.2025, these applications have been listed for hearing today. The learned Advocate Commissioner, who was appointed in these applications, submitted that all the three vehicles were seized in the office belonging to the respondent. Since this Court directed the vehicles to be kept in the office of the respondent, they were parked in that office and the keys of the vehicles were retained by the respondent.

2. The respondent was present before the Court and he has filed affidavits in each application tendering unconditional apology and he has also undertaken that he will not repeat such conduct in future. The respondent has also filed an affidavit of undertaking to the effect that he is willing to settle the dispute with the applicant company.

3. Post these applications for hearing on 07.11.2025 along with Arb Appln Nos.1041 to 1043, 1045 & 1046 of 2025. In the meantime, the respondent is directed to meet the officials of the applicant company and the offer made by him to settle the amount shall be considered and reported before this Court.”

6. After the above order was passed, the applications were listed for hearing on 24.11.2025 and this Court was informed that the offer made by the applicant company was not accepted by the respondent and hence, there was no scope for settlement. Accordingly, these applications were directed to be listed for hearing today.

7. Learned counsel for applicant submitted that the applicant had made a very reasonable offer to the respondent and directed the



respondent to pay the outstanding principal amount and the overdue installments and all the other payments were waived.

8. Learned counsel for applicant submitted that the total amount that is payable after giving waiver in all the cases amounts to Rs.20,56,291/- and a total of Rs.2,61,758/- has been waived. The applicant company is even willing to receive a sum of Rs.20,00,000/- from the respondent and close all the accounts.

9. The Advocate Commissioner, who was present before the Court, submitted that pursuant to the earlier order passed by this Court, three vehicles were seized and they are now lying in the office of the respondent.

10. In the considered view of this Court, in spite of the conduct of the respondent and his father, this Court gave a very long rope for the respondent to resolve the dispute. However, the respondent has not taken advantage of the leniency shown by this Court. This Court restrained itself from proceeding further against the respondent and his father for contempt of Court only with the fond hope that the respondent and his father will amicably settle the dispute with the applicant company.



However, in spite of a reasonable offer made, the respondent and his father have not settled the dispute. Under normal circumstances, this Court would have insisted for an undertaking affidavit to the effect that the respondent will not alienate the vehicles and directed the applicant to proceed further with the arbitration proceedings. However, in the case in hand, considering the conduct of the respondent and his father, this Court is inclined to direct the respondent and his father to hand over the vehicles to the applicant forthwith. The vehicles shall be retained by the applicant till 31.12.2025. In the mean time, it will be left open to the respondent to settle the outstanding principal amount and the over due installments. If the same is done, the vehicles shall be released by the applicant. If the same is not complied with, it is left open to the applicant to proceed further with the arbitration proceedings and take action in accordance with law.

11. A memo has been filed seeking additional remuneration to the learned Advocate Commissioner. There shall be a direction to the applicant to pay an additional remuneration of a consolidated sum of Rs.20,000/- [Rupees Twenty Thousand only] to the learned Advocate Commissioner.



Arbitration Application Nos.1031, 1032 & 1033 of 2025

WEB COPY All these applications are disposed of in the above terms.

26.11.2025

Index:yes/no

Speaking order/Non-speaking order

Neutral citation: yes/no

gm

N.ANAND VENKATESH, J.

gm

Arbitration Application Nos.1031, 1032 & 1033 of 2025



WEB COPY



Arbitration Application Nos.1031, 1032 & 1033 of 2025

26.11.2025