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Arb Appln No. 1052 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1052 of 2025

Cholamandalam Investment And
Finance Co Ltd
Chola Crest, C 54 and 55, Super B-4,
Thiru Vi Ka Industrial Estate, Guindy,
Chennai
Represented by its Authorised
Signatory

Appellant(s)

Vs

Kumar N
S/o.Nagappan 1/155, Thumbalahalli,
Kendekanahalli, Near Temple,
Dharmapuri, Palacode, Tamil Nadu 635
205.

Respondent(s)

PRAYER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, to appoint an Advocate Commissioner to seize and



deliver the vehicle to applicant which is morefully described in the schedule to the Judges Summons which is lying in the custody of respondent or respondents men, agents, servants, from respondent premises or wherever found with Police aid and break open of premises if necessary.

For Applicant(s): Mr.D.Pradeep Kumar

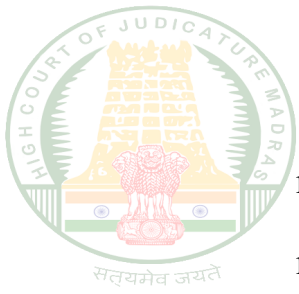
ORDER

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

2.This Court passed the following order on 04.08.2025.

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 respondent or wherever available.

2.The respondent is a defaulter in re-payment of the loan to the applicant. The respondent had availed loan for the purchase of the vehicle. As on date, 3 installments are in arrears, which amounts to Rs.2,66,628/-. The applicant has already recalled the loan by issuing notice to the respondent. Under the loan agreement, the applicant is empowered to



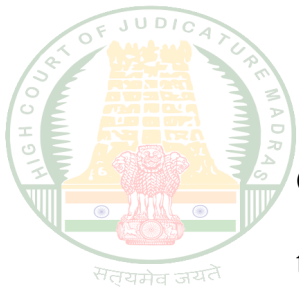
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repossess the vehicle from the respondent in case the respondent commits default. The applicant has expressed its difficulty in re-possessing the vehicle on their own. Only under the said circumstances, the applicant has filed this application seeking for appointment of an Advocate Commissioner by this Court. In the loan agreement, there exists an arbitration clause. 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. Since a prima facie case has been made out by the applicant for appointment of an Advocate Commissioner, this Court is inclined to appoint an Advocate Commissioner as prayed for in this application. To enable the respondent to take back possession of the vehicle from the Advocate Commissioner, the respondent 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:

a)Mr.A.Varun Kartik, Advocate, having office at Nos.51 & 52, 3rd Street, TMP Nagar, Pudur, Ambattur, Chennai - 600 053 (Mob. No.93605 81536) is appointed as the Advocate



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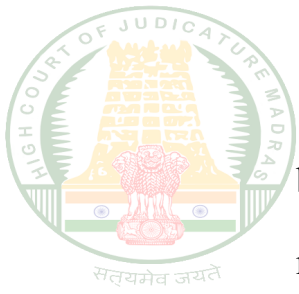
Commissioner to re-posses the vehicle, morefully described in the schedule to the Judges Summons from the respondent's premises or wherever available;

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 respondent 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.2,66,628/-;

d)The respondent, on payment of Rs.2,66,628/- to the applicant within a period of three days from the date when the subject vehicle was repossessed, is entitled for return of the seized vehicle. On receipt of the sum of Rs.2,66,628/- within the stipulated time as stated supra, the applicant shall re-deliver the subject vehicle back to the respondent 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



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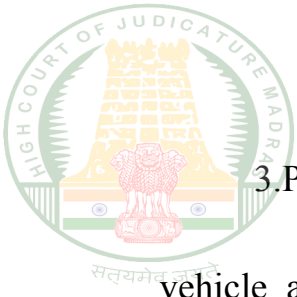
by this Court today shall stand automatically vacated and the re-possessioned vehicle shall also be redelivered back to the respondent by the applicant unconditionally;

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-possessioning 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-possess 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 respondent returnable by 02.09.2025.

Private Notice is also permitted



3. Pursuant to the above order, the Advocate Commissioner has seized the vehicle and handed over the custody to the representative of the applicant Company.

4. The private notice sent to the respondent has been served and affidavit of service has also been filed. There is no appearance either in person or through counsel for the respondent.

5. In the light of the earlier order passed by this Court on 04.08.2025 and also of the fact that already vehicle has been seized and handed over to the applicant, no further orders are required in this application.

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

09-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

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