



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1057 of 2025

Tata Capital Limited
By its Associate Legal Remedial
R.Kamalakaran

... Applicant

Vs.

Yamunadevi S
No.83 1 Thanikachalam Nagar F Block
Ponni Amman Medu Kolathur
Landmark Near Ambedkar Salai
Chennai-600 110.

...Respondent

Prayer: Arbitration Application filed under Order XIV Rule 8 of O.S. Rules read with Section 9(ii)(b)(d) & (e) of the Arbitration Act, 1996, to pass an order appointing an Advocate Commissioner to seize and deliver the asset car Maruthi Suzuki India Limited, Swift VXi Bearing Engine No.K12NP1019201, Chassis No.MBHCZCB3SMB754381, Reg.No.TN05CC9486 together with all accessories fitted to the Vehicle lying No.83, 1, Thanikachalam Nagar F Block Ponni Amman Medu



Kolathur, Landmark near Ambedkar Salai, Chennai 600 110 or morefully described hereunder with police aid or break open the premises or from wherever found and handover the same to the applicant.

For Applicant : Mr.N.K.Vanan

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of an Advocate Commissioner for seizing the vehicle in the custody of the respondent, if necessary, with police protection and by breaking open the premises.

2. When this application came up for hearing on 06.08.2025, 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 summon 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 vehicle. The respondent has paid only 12 installments out of 50 instalments. As on 18.07.2025, 8 installments are in arrears, which amounts to Rs.2,20,837/-. The applicant has already recalled the loan by issuing notice to the respondent. Under the loan agreement, the applicant is empowered to re-possess the vehicle from the



WEB COPY



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 the 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, they 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)Ms.P.Kavitha, Advocate, having office at No.319, 2nd floor, New Additional Law Chambers, High Court Buildings, Chennai - 600 104 (Mob. No.94446 91142) is appointed as the Advocate 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.2,20,837/-;

d)The respondent, on payment of Rs.2,20,837/- to the applicant within a period of three days from the date when



WEB COPY



the subject vehicle was re-possessed, is entitled for return of the seized vehicle. On receipt of the sum of Rs.2,20,837/- 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;

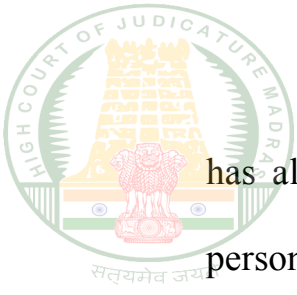
e)The applicant shall initiate arbitration in accordance with the arbitration agreement contained in the contract within a period of 90 days from today. In case, the applicant fails to initiate arbitration within the stipulated time, the order passed by this Court today shall stand automatically vacated and the re-possessed vehicle shall also be redelivered back to the respondent by the applicant unconditionally;

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 respondent returnable by 10.09.2025. Private Notice is also permitted."

3. Notice has been served on the respondent and affidavit of service



has also been filed. There is no appearance for the respondent either in person or through counsel.

WEB COPY

4. Learned counsel for the applicant submitted that the vehicle has been repossessed and handed over to the applicant.

5. In the light of the above, no further orders can be passed in this application. Accordingly, this application stands disposed of in the above terms.

15.10.2025

mk

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No



WEB COPY



Arb.Appln.No.1057 of 2

N.ANAND VENKATESH, J.

mk

Arbitration Application No.1057 of 2025

15.10.2025