



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1085 of 2025

Tata Capital Limited by its Associate
Legal Remedial R.Kamalakkannan
Having its office at
1st Floor, Centennial Square
6A-Dr Ambedkar Salai, Kodambakkam
Chennai 600 024

Applicant

Vs

Mr.Anbuselvan A
No.2/4 South Mada Street
1st Cross Street
Maduravoyal Landmark-Primary
Health Center
Chennai 600 095

Respondent

PRAYER

To pass an order appointing an Advocate Commissioner to seize and deliver the asset car Maruti Suzuki India Limited EECO bearing Engine No G12BN726410, Chassis No MA3ERLF1S00744286, Reg No TN12AF8769 together with all accessories fitted to the Vehicle lying at No 2/4, South Mada Street, 1st Cross Street, Maduravoyal, Landmark near Primary Health Center, Chennai 600 095 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

For Respondent: Ms.G.V.Seethalekshmi
Advocate Commissioner

ORDER



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This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of an Advocate Commissioner to seize the subject vehicle in the custody of the respondent or wherever found, if necessary, with police protection and by breaking open the premises and deliver the same to the applicant.

2. When this application came up for hearing on 07.08.2025, this Court passed the following order:-

“This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an Advocate Commissioner to repossess the vehicle morefully described in the schedule to the Judges Summons.

2. The applicant is a non-banking financial institution and they have lent money to the respondent for the purpose of purchasing a vehicle under the loan agreement dated 27.12.2022. The respondent has committed default in the repayment of the loan as per the terms and conditions of the loan agreement. The applicant has also recalled the loan through its notice dated 10.12.2024. As seen from the statement of accounts dated 18.07.2025 filed by the applicant, 5 installments are in arrears, which the respondent has not paid to the applicant. The total value of the 5 installments works to Rs.1,05,220/-.

3. Under the loan agreement dated 27.12.2022, the applicant is empowered to repossess the vehicle in case the respondent commits default in the repayment of the loan. There exists an arbitration clause in the loan agreement dated 27.12.2022. The applicant has expressed its willingness to go for arbitration in accordance with the said arbitration clause. The applicant has expressed its difficulty



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to repossess the vehicle on its own. Since the applicant has made out a prima-facie case for appointment of an Advocate Commissioner, this Court is inclined to appoint an Advocate Commissioner for the purpose of repossessing the vehicle from the respondent or wherever it is found. Eventhough this Court is inclined to appoint an Advocate Commissioner to repossess the vehicle morefully described in the schedule to the Judges Summons, an opportunity must be given to the respondent to take back the vehicle from the applicant once a sum of Rs.1,05,220/- is paid within a period of three days from the date of seizure of the said vehicle from the respondent.

4. For the foregoing reasons, this Court is issuing the following directions:-

(a) Ms.G.V.Seethalekhsmi, Advocate, having office WLA, High Court Building, Chennai-104, Mobile No.9094674407, is appointed as Advocate Commissioner to repossess the vehicle morefully described in the schedule to the Judges Summons from the respondent or wherever it is available.

(b) The Advocate Commissioner is permitted to obtain the police aid whenever required and she is also permitted to break open the premises in case the vehicle is kept in a locked premises in the presence of the police after taking proper inventory.

(c) On repossession of the subject vehicle, the Advocate Commissioner shall send a communication to the respondent intimating that a sum of Rs.1,05,220/- is due and payable towards the arrears of installment by the respondent to the applicant, in respect of the aforesaid loan agreement.

(d) On receipt of such intimation, the respondent shall pay the aforesaid amount within a period of three days from the date of receipt of a communication from the Advocate Commissioner and on payment of such sum, the applicant shall handover the vehicle back to the respondent and the Advocate Commissioner shall cooperate with the applicant for the same.



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(e) The applicant shall initiate arbitration in accordance with the arbitration agreement contained in the contract within a period of 90 days from the date of receipt of a copy of this order. 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-posessed vehicle shall also be redelivered back to the respondent by the applicant unconditionally.

(f) The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- by the applicant within a period of one week from the date of receipt of a copy of this order. All the boarding and lodging expenses shall be borne by the applicant.

(g) Notice to the respondent through Court as well as privately returnable by 11.09.2025. ”

3. The learned Advocate Commissioner has filed a report along with the relevant documents. It is seen that the Advocate Commissioner has seized the vehicle at Chennai and it has been handed over to the official of the applicant company. The learned Advocate Commissioner has also sought for additional remuneration. The learned counsel for applicant also submitted that the vehicle has been repossessed.

4. In the light of the above development, since the learned Advocate Commissioner has already seized the vehicle and handed over to the applicant, no further orders are required to be passed in this application.

5. There shall be a direction to the applicant to pay a sum of Rs.10,000/-



towards additional remuneration to the learned Advocate Commissioner.

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6. This application stands disposed of in the above terms.

08-10-2025

SS

To

Mr.Anbuselvan A
No.2/4 South Mada Street
1st Cross Street
Maduravoyal Landmark-Primary
Health Center
Chennai 600 095



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**N.ANAND
VENKATESH J.**

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