



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

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CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application Nos.1144 to 1146 of 2025

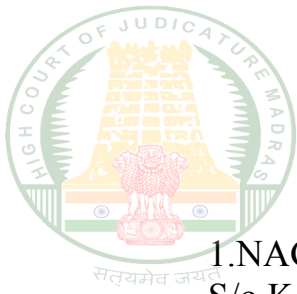
Shrinithi Capital Private Ltd
Represented by its Power of Attorney
Mr.R.Selvam
2nd Floor, 2A Mookambika Complex
No.4, Lady Desika Road,
Mylapore Chennai

... Applicant
in Arb.Appln.Nos.1144 & 1146 of 2025

1. Shrinithi Capital Private Ltd
Represented by its Power of Attorney
Mr.R.Selvam
2nd Floor, 2A Mookambika Complex
No.4, Lady Desika Road,
Mylapore Chennai

2.Hinduja Leyland Finance
Represented by its Area Manager
Mr.Ashok
No 1 Sardar Patel Road Guindy

... Applicants
in Arb.appln.No.1145 of 2025



Vs.

1.NAGOOR MEERAN P
S/o K P PEER MOHAIDEEN
No.4/364, 15th Street,
Shanthi Nagar,
Tirunelveli 627 002.

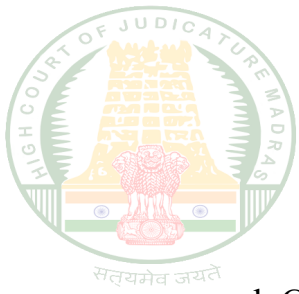
2.KALAIARASAN S
S/o SARAVANA PERUMAL N
14/D6 Keela Street, Niyas Compound
Sindhu Poonthurai, Tirunelveli - 627 001.

...Respondents
in all Arb.Applns.

Prayer: Arbitration Applications filed under Order XIV Rule 8 of O.S. Rules read with Section 9(ii)(b)& (e) of Arbitration Act, 1996, 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, agents, servants, or anyone claiming under them from the premises of 1st Respondent No.4/364, 15th Street, Shanthi Nagar, Tirunelveli 627 002 or at any other place where the scheduled asset is found, with the Police aid and by breaking open locks if necessary and to take the same into his custody and sell the same at fair market price.

For Applicant in all Arb.Applns. : Mr.K.Sendurpandi

COMMON ORDER



These applications have been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (Act No.26 of 1996) for appointment of an Advocate Commissioner to seize and deliver the vehicle more fully described in the schedule to the Judges Summons.

2. When the applications came up for hearing on 20.08.2025, this Court passed the following order:

"This application has been filed under Section 9 of the Arbitration and Conciliation Act, seeking for appointment of an advocate commissioner to repossess the vehicle from the respondents or wherever available.

2. The applicant is a non banking financial institution. They lent money to the respondents under an agreement for loan cum hypothecation dated 23.05.2023. The respondents have committed default in the repayment of the loan as per the said agreement. The applicant has also recalled the loan through their loan recall notice dated 22.07.2025. They have also filed a statement of account dated 28.07.2025. As seen from the same, Rs.8,75,732/- is due and payable by the respondents to the applicant. The said amount includes the future installments, penal interest and other incidental charges. However, as on date, the respondents are in arrears of installments, which amounts to Rs.4,41,491/-.

3. Under the agreement for loan cum hypothecation dated 23.05.2023, the applicant is empowered to repossess the vehicle from the respondents in case they commit default in the repayment of the loan. The applicant has expressed its difficulties to repossess the vehicle on their own. Under those circumstances, they have filed this application, seeking for appointment of an advocate commissioner to repossess the vehicle. The applicant has also undertaken to initiate arbitration in accordance with clause 28 of the agreement



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for loan cum hypothecation dated 23.05.2023.

4. This Court, after giving due consideration to the averments contained in the affidavit filed in support of this application and after giving due consideration to the documents filed along with this application, is of the considered view that since the respondents are defaulters in the repayment of loan, this Court is inclined to appoint an advocate commissioner as prayed for in this application. However, in order to enable the respondents to run the vehicle even after repossession by the advocate commissioner, this Court is putting the respondents on terms. According to the applicant, a sum of Rs.4,41,491/- is due and payable by the respondents to the applicant towards arrears of installments i.e., 16 installments have not been paid by the respondents to the applicant till date.

5. For the foregoing reasons, this Court issues the following directions:

a) A. Eswararao, Advocate, having address at Old No.125/2, New No.257, Canara Bank Building, 4th Floor, Angappa Naicken Street, Chennai - 600 001 (Mob. No.99622 28856) is appointed as the advocate commissioner to re-posses the vehicle morefully described in the schedule to the Judges Summons from the respondents from their 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 respondents either through Registered Post with Acknowledgment Due (RPAD) or by hand delivery through a written communication, that the arrears of installments works out to Rs.4,41,491/-;

d) The respondents on payment of Rs.4,41,491/- to the applicant within a period of three days from the date when the subject vehicle was re-possessed, is entitled for return of the seized vehicle, provided an undertaking is given by the respondents that the respondents shall pay the future installments on the due dates, without any default. On receipt of the sum of Rs.4,41,491/- within the stipulated time as stated supra, the applicant shall redeliver the subject vehicle



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back to the respondents 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 respondents 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, 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 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.

6. Notice to the respondents, returnable by 24.09.2025. Private Notice is also permitted."

3. Today, when the matter was taken up for hearing, learned counsel for the applicant submitted that private notices sent to the respondents have been returned with endorsements "Unclaimed" and "Refused" respectively and affidavit of services have been filed. There is no representation for the



respondents either in person or through counsel. He further submitted that the subject vehicles in all the three applications have been seized and handed over to the applicants.

4. In view of the above, no further orders are required to be passed in these applications and these Applications are disposed of, accordingly.

5. There shall be a direction to the applicants to pay an additional remuneration of Rs.15,000/- each to the learned Advocate Commissioners.

15.10.2025

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

N.ANAND VENKATESH, J.

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Arb.Appln.Nos.1144 to 1146 of 2



Arbitration Application Nos.1144 to 1146 of 2025

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