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Arbitration Application No.1150 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

Arbitration Application No.1150 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.

Represented by its Authorised Signatory

..... Applicant

Vs

Mr.Abrar.J

S/o.Jafarayu

Nagla Rudra

Muzaffarnagar, Masjid, Jansath

Uttar Pradesh – 251 314.

.... Respondent

Prayer : Application filed under Order XIV Rule 8 of O.S.Rules read with Section 9(1)(ii)(a)(b)(d)&(e) of Arbitration and Conciliation Act, 1996, praying to appoint an Advocate Commissioner to seize and deliver the equipment to 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 of premises if necessary and pass orders.



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Arbitration Application No.1150 of 2025

For Applicant : Mr.D.Pradeep Kumar

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 03.09.2025, this Court passed the following order:-

“This application has been filed for appointment of Advocate Commissioner to seize and deliver the scheduled vehicle to the applicant morefully described in the schedule to the judges summons, are in the custody of the respondent or their men, agents, servants etc., and to enable the Advocate commissioner to take police aid and break open the premises if necessary.

2. *The respondent approached the applicant for loan and availed finance facility from the applicant under Loan agreement dated 08.04.2022 for a sum of Rs..2,12,000/- with respect to the scheduled vehicle. The respondent was expected to repay back the loan amount in 40 monthly installments starting from 10.05.2022 and ending with 10.08.2025.*



3. *The respondent defaulted in the payment of installments and as a result, arbitration proceedings were initiated by the applicant and an award came to be passed on 15.11.2024 directing the respondent to pay the claim amount along with other charges. Even thereafter, the amount was not settled and the award has not been put to challenge in the manner known to law, to the knowledge of the applicant. It is under these circumstances, the present application has been filed before this Court.*

4. *Considering the materials placed before this Court, Mr.Mohamed Arshath S, Advocate, Enrollment No.4209/2022, No.34, Lakshmi Enclave, South Boag Road, T.Nagar, Chennai 17, M No.7550358899, is appointed as the Advocate Commissioner and the Advocate Commissioner is directed to take custody of the scheduled vehicle and if required with police aid. The report shall be filed before this Court on or before 14.10.2025. There shall be a direction to the applicant to pay the initial remuneration of Rs.25,000/- to the learned Advocate Commissioner. The applicant shall also make arrangement for the travel and stay of the Advocate Commissioner for the purpose of seizing the vehicle.*

5. *Post this case for hearing on 14.10.2025. The learned counsel for the petitioner shall take notice and private notice to the respondent returnable by 14.10.2025.”*



3. The private notice sent to the respondent has been served and affidavit of service has also been filed. However, today there is no appearance for the respondent either in person or through counsel. Hence the apprehension raised on the side of the applicant that the respondent is trying to secret the vehicle is *prima facie* established.

4. In view of the above, in the place of the Advocate Commissioner, Mr.Rahul Kumar, Area Receivables Manager is appointed as Receiver for seizing the subject vehicle from the respondent or wherever it is found and by breaking open the premises, if required, with police aid.

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

14-10-2025

ds



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N. ANAND VENKATESH., J

ds

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