



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1130 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.Sreekanth B
Sreenilayam Kadaikadu Cheriyanad
Kollakadavu
Alappuzha Landmark-Guru Mandhiram
Kerala Pincode 690 509

Respondent

PRAYER

To pass an order appointing an Advocate Commissioner to seize and deliver the Maruti Suzuki India Limited-Baleno Delta 1.3, K12MN7324342, MA3EWB22SJH549599 Registration Number KL30G1976 model with all accessories fitted to the Vehicle lying at Sreenilayam Kadaikadu Cheriyanad Kollakadavu, Alappuzha Landmark-Guru Mandhiram, Kerala Pincode 690 509 or wherever 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.R.Santhiya
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 19.08.2025, 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 26.05.2023. 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 10.05.2024. As seen from the statement of account dated 07.08.2025 filed by the applicant, 7 installments are in arrears, which the respondent has not paid to the applicant. The total value of the 7 installments works out to Rs.1,34,167/-.

3. Under the loan agreement dated 26.05.2023, 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 26.05.2023. The applicant has expressed its willingness to go for arbitration in accordance with the said



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arbitration clause. The applicant has expressed its difficulty 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.1,34,167/- is paid within a period of three days from the date of seizure of the said vehicle from the respondent.

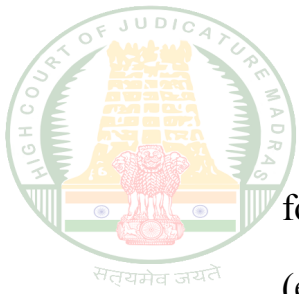
4. For the foregoing reasons, this Court is issuing the following directions:-

(a) Ms.R.Santhiya, Advocate, having office at No.2/219, Big Street, Villangadu Pakkam, Redhills, Chennai-52, Mobile No.9952902609, 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.1,34,167/- 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 23.09.2025. ”

3. When the matter came up for hearing today, the learned counsel for applicant submitted that the notice sent to the respondent had been duly served and affidavit of service has also been filed.

4. Though the name of the respondent is printed in the cause list, there is no representation either in person or through counsel.

5. It is clear from the above that the apprehension raised on the side of the applicant that the respondent is trying to secret the vehicle is prima facie established.

6. In view of the above, in the place of the Advocate Commissioner,



Mr.K.Krishna Prasad, Legal Manager, Mobile No.97468 00298, 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.

7. This application is disposed of in the above terms.

08-10-2025

SS

To

Mr.Sreekanth B
Sreenilayam Kadaikadu Cheriyanad
Kollakadavu
Alappuzha Landmark-Guru Mandhiram
Kerala Pincode 690 509



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**N.ANAND
VENKATESH J.**

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