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Arb. Appln. No.640 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb. Appln. No.640 of 2024

TATA Capital Ltd.,
By its Legal Manager,
D. Kalaiarasan

....

Applicant

Vs

Karthik

....

Respondent

For Applicant : Mr. N. K. Vanan

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This Court by its order, dated 05.03.2025 had made it clear that if the equipment is not repossessed on or before the next hearing date, this application shall stand automatically closed by granting liberty to the applicant to file a fresh application as and when it is possible for the applicant to repossess the equipment and while doing so, this Court shall consider retaining the very same Advocate Commissioner, since initial remuneration was already paid.

2. The learned counsel for the applicant submits that despite the order being passed appointing an Advocate Commissioner to repossess



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the equipment, the respondent has disobeyed the said order, by not co-operating with the repossession of the equipment by the Advocate Commissioner. Therefore, he seeks for further extension of time for the Advocate Commissioner to execute the Warrant of Commission.

3. Since, this Court has already passed an order on 05.03.2025 that no further extension will be granted and this application shall stand automatically closed, in case, the Advocate Commissioner is unable to repossess the equipment, necessarily, this application has to be closed in terms of this Court's earlier order, dated 05.03.2025. Accordingly, this application is closed. However, liberty is granted to the applicant to file a fresh application seeking for appointment of an Advocate Commissioner, as and when it is possible for the applicant to repossess the equipment and when a fresh application is filed in the near future, this Court shall consider retaining the very same Advocate Commissioner, who was appointed in this application, since the Advocate Commissioner, has already been paid her initial remuneration in this application.

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ABDUL QUDDHOSE, J.

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