



WEB COPY

Arb Appln No. 1288 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1288 of 2025

Axis Bank Ltd rep.by its Deputy
Manager Selvaraj
No.31, 2nd Floor, South Mada Street,
Mylapore, Chennai 600 004

Applicant

Vs

Rajesh P R
Puthupparampil Thengumkavu
Pramadom, Pathanamthitta
Kerala 689 646 India

Respondent

PRAYER

To appoint an Advocate Commissioner to take custody of the vehicle being MARUTI CAT C Maruti V.Brezza ZXI bearing Chassis No.MA3NYFJ1SLK690988 fitted with Engine No.K15BN4058208 and Registered as KL832700 from the Respondent or wherever it is found and deliver it to the applicant with liberty to sell and to permit the Advocate Commissioner to obtain Police aid and to break open the premises within which the said vehicle is lying.

For Applicant : Mr.M.R.Uma Vijayan

For Respondent : No appearance



ORDER

WEB COPY

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 to appoint an Advocate Commissioner to take custody of the vehicle, namely, MARUTI CAT C Maruti V.Brezza ZXI bearing Chassis No.MA3NYFJ1SLK690988 fitted with Engine No.K15BN4058208 and registered as KL832700, from the respondent or wherever it is found and if required with Police aid, and to break open the premises within which the vehicle is lying.

2. The case of the applicant is that the respondent requested for loan facility for purchasing the vehicle and accordingly, the parties entered into a loan agreement dated 23.03.2023 and a total of Rs.12,20,310/- was disbursed as loan amount, which was repayable with interest in 60 monthly installments for the period starting from 10.04.2023 and which ends with 10.03.2028.

3.The respondent had paid only 20 EMIs out of 60 EMIs. The applicant was in the process of initiating arbitration proceedings and the respondent agreed and undertook to repay the amount with interest. However, he went back on his undertaking. The account was also declared as NPA as on 10.03.2025.

4. It is under these circumstances, the present application came to be filed before this Court for the seizure of the vehicle, since the applicant apprehended



that the respondent will secret the vehicle and it will become impossible for the applicant to recover the amount from the respondent.

WEB COPY

5. When the matter came up for hearing on 04.09.2025, this Court ordered notice to the respondent returnable by 17.09.2025 and private notice was also permitted.

6. The notice that was sent to the respondent has been returned with an endorsement “refused”. Affidavit of service has also been filed in this regard. In view of the same, there is a deemed service on the respondent.

7. As per the loan cum hypothecation agreement, till the last installment is paid by the respondent, the applicant retains the right over the vehicle. That apart, the respondent has refused to receive the notice and that shows the intention of the respondent. Therefore, even if the applicant initiates arbitration proceedings, ultimately when it comes to recovering the amount, there must be some security for the applicant. The only security that is left is the vehicle.

8. In the light of the above discussion, this Court is inclined to grant the relief sought for by the applicant to seize the subject vehicle from the respondent and if required, with police aid. Accordingly, Mr.Antony.J, Deputy Manager, Employee ID: 473578 (Mob: 7034111277) is appointed as Commissioner for seizing the subject vehicle from the respondent or wherever it



is found and by breaking open the premises, if required, with police aid.

WEB COPY

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

17-09-2025

SS

To

Rajesh P R
Puthupparampil Thengumkavu
Pramadom, Pathanamthitta
Kerala 689 646, India



WEB COPY

Arb Appln No. 1288 of 2025



**N.ANAND
VENKATESH J.**

SS

**Arb Appln No. 1288 of
2025**

17-09-2025