

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

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CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1256 of 2025

1. M/s IndusInd Bank Ltd
M/s. IndusInd Bank Ltd., Rep. by
its Assistant Vice President, A.
Ganesh Kumar, Consumer
Finance Division, No. 34, G N
Chetty Road, T Nagar, Chennai -
600017.

Applicant(s)

Vs

1. Multiple Services
Rep.by its Proprietor Mr.Suraj
Bhatia, SML Isuzu O Khasra
No.59K, C/o.Suraj Bhatia,
Haridwar Road, Kuwanwala
Dehradum, Uttarkhand 248 160.

Respondent(s)

PRAYER

To pass an order of appointment of an Advocate Commissioner to seize and deliver the Vehicle/Machine Komatus Hyd, Excavator PC130 (Tunnel RB Kit) with 2.85 boom, 2.1 m Arm 0.70Cu.M Buckect Cab Mesh Guard Top Guard bearing Machine Serial



No.N523047 to the custody of the Applicant, available at the Respondent premises or wherever found and with whomsoever it is found and permit the Advocate Commissioner to obtain Police aid and to break open the premises.

For Applicant(s): M/s.Meera Gnanasekar
For P/N-SOLE RESPT-
Respondent(s): MULTIPLE SERVICES
Rep.by its Proprietor
Mr.Suraj Bhatia, SML Isuzu
O Khasra No.59K, C/o.Suraj
Bhatia, Haridwar Road,
Kuwanwala Dehradum,
Uttarkhand 248 160.
P/n-aos.D.No. 36529, Dt.
16/09/2025 (Original Ack.
Card Not Attached)

ORDER

This application has been filed under section 9 of the Arbitration and Conciliation Act, 1996, for appointment of an Advocate Commissioner to seize and deliver the vehicle / machine JCB India Limited to the custody of the applicant available at the premises of the respondent or wherever it is found and with whomsoever it is found and if require, to obtain police aid and to break open the premises.

2. Notice was ordered by this Court on 01.09.2025. The notice has been served and an affidavit of service has also been filed.



The name of the respondent has also been printed in the cause list, there is no appearance either in person or through counsel.

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3. This Court heard the learned counsel for the applicant and carefully perused the materials available on record.

4. The respondent availed the loan from the applicant through a loan agreement dated 24.11.2023 for a sum of Rs.56,75,280/-. The respondent paid the last EMI on 19.06.2025. The respondent has totally defaulted five instalments, which works out to Rs.5,74,195/- and there is a total outstanding of Rs.32,64,441/- The applicant issued demand notice on 11.07.2025. In spite of the receipt of the same, the respondent has not chosen to either reply or to repay back the loan. The respondent has only paid 15 installments.

5. The applicant has undertaken that arbitration proceedings will be initiated within 90 days from the date of this petition but however, in the meantime, steps were taken by the respondent to secret the vehicle / machine for which the loan was given by the applicant. In any event, the applicant is claiming for ownership of the vehicle / machine under the hypothecation



agreement till the last installment is paid by the respondent.

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6. This Court wanted to give an opportunity to the respondent to regularise the loan account and therefore, issued notice to the respondent. However, the respondent has not chosen to appear before the Court either in person or through counsel. Therefore, the allegation made by the applicant stands unrebutted.

7. 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.Umed Singh Rana, Chief Manager, Employee ID: R34660, 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.

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

17-09-2025

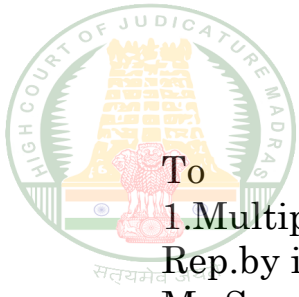
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

1. Multiple Services

Rep. by its Proprietor

Mr. Suraj Bhatia,

SML Isuzu O Khasra No. 59K,

C/o. Suraj Bhatia, Haridwar Road,

Kuwanwala Dehradun,

Uttarkhand 248 160.



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N.ANAND VENKATESH J.

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