



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. 1261 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. Surender  
S/o.Jai Singh, Kharkhara 43,  
Mahendragarh, Haryana 123 029.

Respondent(s)

**PRAYER**

To pass an order of appointment of an Advocate Commissioner to seize and deliver the Vehicle/Machine Tata Motors Ltd, Tata Signa 5530 S BSVI 4X2 bearing Vehicle Reg.No.HR66C5963 Vehicle Engine No.B67B62300D02132J64323986 and Chassis No.MAT828045P2J23425 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): SURENDER S/o.Jai Singh,



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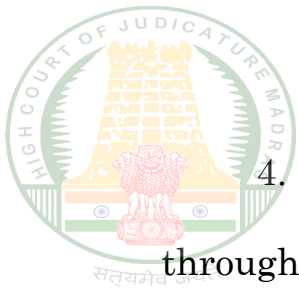
Kharkhara 43,  
Mahendragarh, Haryana  
123 029.  
P/n-aos.D.No. 36527, Dt.  
16/09/2025 ( Original Ack.  
Card Not Attached)

### **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.

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 18.10.2023 for a sum of Rs.57,48,390/-. The respondent paid the last EMI on 30.07.2025.

The respondent has totally defaulted four instalments, which works out to Rs.4,77,782/- and there is a total outstanding of Rs.33,11,820/-

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 17 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.

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 un rebutted.

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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.Varun Kumar Shukla, Chief Manager, Employee ID: R38830 , 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**

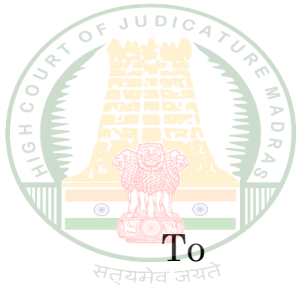
rka

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

1. Surender

S/o. Jai Singh, Kharkhara 43,  
Mahendragarh, Haryana 123 029.



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**N.ANAND VENKATESH J.**  
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