



Arb Appln No. 1218 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 08-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1218 of 2025

M/s Tata Capital Limited
Registered office at Tower A, 11 Floor,
Peninsula Business Park
Ganpatrao Kadam Marg, Lower Parel,
Mumbai 400013
having one of the Branch office at
Centennial Square, 1st Floor,
No.6 A, Dr.Ambedkar Salai
Kodambakkam, Chennai 600 024
represented by its Authorised Signatory
Mr.Kamalakkannan

Applicant

Vs

Viju Sagar
Thanniyam Gramapanchayat,
6/79, Peringottukkara, Manappuram,
Farm Thrissur, Kerala 680 565.
Also at: Ezhuvan Parambil House,
Thissur, Kerala 680 702
Also at: Sky Mobiles, Pazhuvil Center,
Thrissur, Kerala 680 564.

Respondent



PRAYER

To appoint an Advocate Commissioner to seize and deliver the Asset used car SUZUKI BREZZA SMART HYBRID Vehicle bearing Reg.No.KL75D7836, Engine No.K15CN7402561, Chassis No.MA3RYHL1SRC396611 available at the Respondent's premises or wherever found and permit the Advocate Commissioner to obtain Police aid and to break open the premises.

For Applicant: Mr.M.Arunachalam

For Respondent: Ms.R.Priya
Advocate Commissioner

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of an Advocate Commissioner for seizing the vehicle in the custody of the respondent, if necessary, with police protection and by breaking open the premises.

2. When this application came up for hearing on 26.08.2025, 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 institute and they have lent money to the respondent for the purpose of purchasing a vehicle under the Loan cum Hypothecation



WEB COPY



Agreement dated 26.08.2024. 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 loan recall notice dated 05.04.2025. As seen from the statement of account dated 07.08.2025 filed by the applicant, 6 installments are in arrears, which the respondent has not paid to the applicant. The total value of the 6 installments works to Rs.31,998/-.

3. Under the Loan cum Hypothecation Agreement dated 26.08.2024, 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 said agreement dated 26.08.2024. The applicant has already initiated arbitration in accordance with the said 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.31,998/- 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.Priya, Advocate, having office at No.67/1, 'A'



WEB COPY

Block, Pudhu Nagar, Vyasarpadi, Chennai – 600 039, Mobile No.93451 68710, 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.

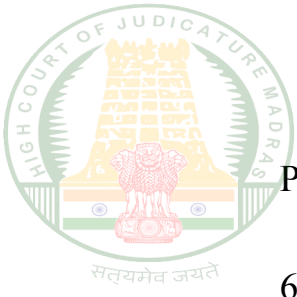
(b) The Advocate Commissioner is permitted to obtain the police aid whenever required and he is also permitted to break open the premises in case the vehicle is kept in a locked premises in the presence of the police after taking proper inventory.

(c) On repossession of the subject vehicle, the Advocate Commissioner shall send a communication to the respondent intimating that a sum of Rs.31,998/- 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.

(e) 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.

5. Notice to the respondent, returnable by 07.10.2025.



Private Notice is also permitted.

6. Post the matter on 07.10.2025 ”

WEB COPY

3. Notice has been served on the respondent and affidavit of service has also been filed. Even though notice has been served on the respondent, there is no appearance either in person or through counsel.

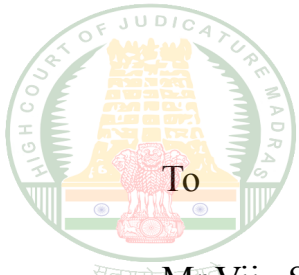
4. The learned counsel for applicant submitted that the remuneration has already been paid to the learned Advocate Commissioner.

5. In view of the above, in the place of the Advocate Commissioner, Mr.K.Krishnaprasad, Legal Manager 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.

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

08-10-2025

SS



To

Mr.Viju Sagar

Thanniyam Gramapanchayat, 6/79,
Peringottukkara, Manappuram, Farm
Thrissur, Kerala 680 565.,
Also at: Ezhuvar Parambil House,
Thissur, Kerala 680 702
Also at: Sky Mobiles, Pazhuvil Center,
Thrissur, Kerala 680 564.

Arb Appln No. 1218 of 20





WEB COPY

Arb Appln No. 1218 of 20



**N.ANAND
VENKATESH J.**

SS

**Arb Appln No. 1218 of
2025**

08-10-2025