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Arb Appln No. 1220 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1220 of 2025

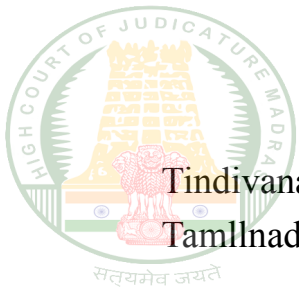
M/s Mahindra and Mahindra Financial
Services Limited
Having its Registered office at Gate
Way Building, Appollo Bunder,
Mumbai 400 001
And one of its branch office at
No. 37 and 38,4th Floor, ASV Ramana
Tower, Venkatanarayan Road, T Nagar,
Chennai 600017 represented by its
Authorised Signatory Mr.Ashok Kumar

Applicant

Vs

1. Kumarvel M
S/o.Mr.Mani,
Perumukkal Post,
No.110, 1, Mullai Nagar,
Kilarungunam, Tindivanam,
Villupuram, Tamilnadu 604 301.

2.Gunasekaran M
S o. Mr. Mani
Tindivanam Post, NA, Kulakari ST,
Kilarunganam, Kilarungunam,



Tindivanam TLK, Villupuram,
Tamilnadu-604301

Respondents

WEB PRAYER

To appoint an Advocate Commissioner to seize and deliver the Asset BHARATBENZ 2523 C 6X4 4275 WB BS4 DAY CAB 16 CUM BOX ST Vehicle bearing Reg.No.TN 16 E 7677, Engine No.400952D0083752 and Chassis No.MEC2416BCKP082979 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 Respondents: Mr.B.Sathya
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



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they have lent money to the respondents for the purpose of purchasing a vehicle under the Loan Agreement dated 26.04.2019. The respondents 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 25.08.2020. As seen from the statement of account dated 08.08.2025 filed by the applicant, 25 installments are in arrears, which the respondents have not paid to the applicant. The total value of the 25 installments works to Rs.24,40,250/-.

3. Under the Loan Agreement dated 26.04.2019, the applicant is empowered to repossess the vehicle in case the respondents commit default in the repayment of the loan. There exists an arbitration clause in the said agreement dated 26.04.2019. 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 respondents 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 respondents 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 respondents.

4. For the foregoing reasons, this Court is issuing the following directions:-



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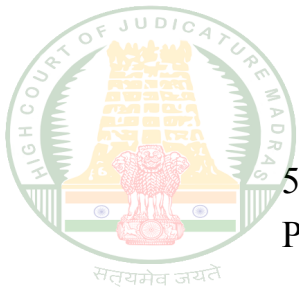
(a) Mr.B.Sathya, Advocate, having office at Chamber No.92, Law Chamber, High Court Building, Chennai-104, Mobile No.72009 34994, is appointed as Advocate Commissioner to repossess the vehicle morefully described in the schedule to the Judges Summons from the respondent or wherever it is available.

(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 respondents intimating that a sum of Rs.24,40,250/- is due and payable towards the arrears of installment by the respondents to the applicant, in respect of the aforesaid loan agreement.

(d) On receipt of such intimation, the respondents 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 respondents 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 respondents, returnable by 07.10.2025.
Private Notice is also permitted.

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6. Post the matter on 07.10.2025 ”

3. The private notice that was sent to the respondents has been returned with an endorsement “unclaimed”. Hence the apprehension of the applicant that the respondents are trying to secret the vehicle is prima facie established.

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.S.Kamalraj, State Legal Manager is appointed as Receiver for seizing the subject vehicle from the respondents 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

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1.Kumarvel M

S/o.Mr.Mani,

Perumukkal Post, No.110, 1, Mullai
Nagar, Kilarungunam, Tindivanam,
Villupuram, Tamilnadu 604 301.

2.Gunasekaran M

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Tindivanam Post, NA, Kulakari ST,
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**N.ANAND
VENKATESH J.**

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