



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. 1249 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.

Appellant(s)

Vs

1. JZ7 Infra Private Limited
1st Floor, Sitaram C/o.Virender,
Opp Gaushala, Kalanaur, Rohtak,
Haryana 124 113.

Respondent(s)

PRAYER

To pass an order of appointment of an Advocate Commissioner to seize and deliver the Vehicle/Machine JCB India Ld, JCB215LC Track 600 1.02 CUM HD BKT AC bearing Vehicle Engine No.84992367 and Chassis No.PUNJD21AJN3190717 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 Appellant(s): M/s.Meera Gnanasekar

For P/N-SOLE RESPT-JZ7

Respondent(s): INFRA PRIVATE LIMITED



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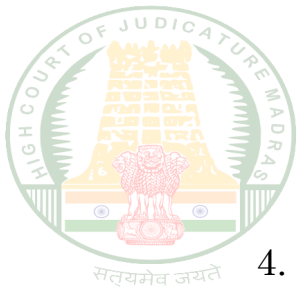
1st Floor, Sitaram
C/o.Virender, Opp Gaushala,
Kalanaur, Rohtak, Haryana
124 113.
P/n-aos.D.No. 36530, Dt.
16/09/2025 (Original Ack.
Card Not Attached)

ORDER

This application has been filed under section 11 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.



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4. The respondent availed the loan from the applicant through a loan agreement dated 04.01.2023 for a sum of Rs.63,11,240/-. The respondent paid the last EMI on 22.04.2025. The respondent has totally defaulted six instalments, which works out to Rs.8,19,740/- and there is a total outstanding of Rs.28,82,233/-. 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 26 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 instalment 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 unrebutted.

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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.Jonty Bhardwaj, Chief Manager, Employee ID: R21448, 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.

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

17-09-2025

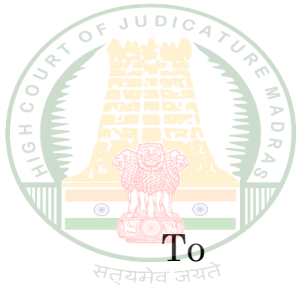
rka

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

WEB COURT

1. JZ7 Infra Private Limited
1st Floor, Sitaram C/o.Virender,
Opp Gaushala, Kalanaur, Rohtak,
Haryana 124 113.



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N.ANAND VENKATESH J.
rka

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