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Arb.Appln.No.1239 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1239 of 2025

Mercedes Benz Financial Services India Pvt Ltd
formerly known as
M/s. Daimler Financial Services India Private Limited
5th Floor, Plot 8, Baashyam Willow Square,
9 and 10, First Street, Thiru vi ka Industrial Estate,
Guindy, Chennai-600032,
Tamil Nadu, India.

... Applicant

Vs.

Naresh Kumar
Flat No.002, Tower No.F2,
Uniworld City, Sector 30,
Gurgaon, Haryana 122 001.

...Respondent

Prayer: Arbitration Application filed under Order XIV Rule 8 of O.S. Rules read with Section 9(ii)(d) & (e) of the Arbitration Act, 1996, to appoint an Advocate Commissioner to seize and deliver the Asset Mercedes Benz GLC 300 4MATIC Vehicle bearing Engine No.27492030659263 Chassis No.WDC2539492F085146 and actia; Reg.No.HR 26 CX 9019 displayed Rg.No.HR 30 Y 9909 available at the Respondent premises or wherever



found and permit the Advocate Commissioner to obtain Police aid and to break open the premises.

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For Applicant : Mr.M.Arunachalam

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 Asset 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 03.09.2025, this Court passed the following order:-

"This application has been filed for appointment of Advocate Commissioner to seize and deliver the scheduled vehicle to the applicant morefully described in the schedule to the judges summons, in the custody of the respondent or their men, agents, servants etc., and to enable the Advocate commissioner to take police aid and break open the premises if necessary.

2. The respondent approached the applicant for loan and availed finance facility from the applicant under Loan agreement dated 29.06.2016 for a sum of Rs.55,37,056/- with respect to the scheduled vehicle. The respondent was expected to repay back the loan amount in 60 monthly installments starting from 02.08.2016 and ending with 02.07.2021.

3. The respondent defaulted in the payment of installments and as a result, arbitration proceedings were initiated by the applicant and an award came to be passed on 23.07.2018



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directing the respondent to pay the claim amount along with other charges. Even thereafter, the amount was not settled and the award has not been put to challenge in the manner known to law, to the knowledge of the applicant. It is under these circumstances, the present application has been filed before this Court.

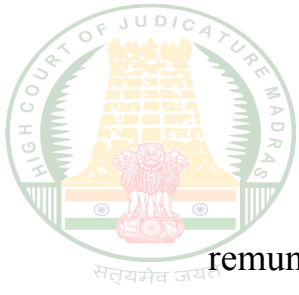
4. *Considering the materials placed before this Court, Mr.A.Arasu Sanga Tamil, Enrollment No.831/2018, No.9, Amaravati Flats, 4th Cross street, CIT Colony, Mylapore, Chennai 600 004, M No.7875977932, is appointed as the Advocate Commissioner and the Advocate Commissioner is directed to take custody of the scheduled vehicle and if required with police aid. The report shall be filed before this Court on or before 14.10.2025. There shall be a direction to the applicant to pay the initial remuneration of Rs.25,000/- to the learned Advocate Commissioner. The applicant shall also make arrangement for the travel and stay of the Advocate Commissioner for the purpose of seizing the vehicle.*

5. *Post this case for hearing on 14.10.2025. The learned counsel for the applicant shall take notice and private notice to the respondent returnable by 14.10.2025."*

3. Pursuant to the above order, learned Advocate Commissioner has submitted a report dated 30.09.2025 and it is seen that the subject vehicle has been seized and handed over to the applicant.

4. Notice sent to the respondent has been served and affidavit of service has been filed but there is no appearance for the respondent either in person or through counsel.

5. In view of the above, no further orders are required to be passed in this application and this Application is disposed of, accordingly.



6. There shall be a direction to the applicant to pay an additional remuneration of Rs.15,000/- to the learned Advocate Commissioner.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No



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N.ANAND VENKATESH, J.

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