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Arbitration Application No.1276 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

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THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

Arbitration Application No.1276 of 2025

M/s.Cholamandalam Investment and Finance
Company Limited

'Chola Crest', C 54 & 55, Super B-4

Thiru.Vi.Ka Industrial Estate

Guindy, Chennai – 600 032.

Represented by its Authorised Signatory

..... Applicant

Vs

Muhammed Basheer KV

Proprietor, Superstar Scrapsale

S/o.Abdullakutty

PP4/298, 299

Padijarathara, Wayand, Kuppadithara

Kerala – 673 575.

..... Respondent

Prayer : Application filed under Order XIV Rule 8 of O.S.Rules read with Section 9(I)(ii)(a)(b)(d)&(e) of Arbitration and Conciliation Act, 1996, praying to appoint an Advocate Commissioner to seize and deliver the vehicle to applicant which is morefully described in the schedule to the Judges Summons which is lying in the custody of respondent or respondent's men, agents, servants from respondent premises or wherever found with police aid and break open of premises if necessary and pass orders.



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Arbitration Application No.1276 of 2025

For Applicant : Mr.D.Pradeep Kumar

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 10.09.2025, this Court passed the following order:-

“This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 [for brevity, hereinafter referred to as 'the Act'] for appointing an Advocate Commissioner to seize and deliver the vehicle to the applicant.

2. Learned counsel for the applicant submitted that an award has been passed by the sole arbitrator on 25.08.2025.

3. Considering the fact that an award has been passed and there is an apprehension for the applicant that the vehicle will be secreted and ultimately the applicant will not be able to execute the award, hence, this Court is inclined to permit the applicant to seize the vehicle with the help of their own employee viz., Ms.Arya, Legal Executive, if required,



through police aid.

4. It is made clear that the vehicle will not be sold by the applicant until further orders passed in this application.

5. Notice to the respondent returnable by 13.10.2025.

Private notice is also permitted.

Post on 13.10.2025.”

3. Pursuant to the above order, the private notice was served on the respondent and affidavit of service has been filed. However, today there is no representation for the respondent either in person or through counsel.

4. The learned counsel for the applicant submitted that the vehicle is yet to be seized.

5. In view of the above, the earlier order passed by this Court on 10.09.2025 is made absolute and the employee of the applicant viz., Ms.Arya, Legal Executive, who was already appointed by this Court, shall seize the vehicle and hand over the same to the applicant.

14-10-2025

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N. ANAND VENKATESH., J

ds

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