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Arb.Appln.No.1291 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 15.10.2025**

CORAM:

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Arbitration Application No.1291 of 2025**

**and**

**O.A.No.879 of 2025**

South Asian Foods Corporation  
Represented by its Authorised Signatory  
Mr.Abdul Aziz No. 16, PH Road,  
Shanmuga Padmavathy Nagar,  
Ondikuppam, Vengathur, Thiruvallur.

... Applicant

Vs.

Venkateshwara Beverages  
No.55/22, Baba Street,  
Collector Bungalow,  
Dharmapur 636 701.

...Respondent

**Prayer:** Arbitration Application filed under Order XIV Rule 8 of O.S. Rules read with Section 9(ii)(c)(d) & (e) of the Arbitration Act, 1996, to appoint an advocate commissioner to visit the respondent premises along with local police protection to break open if necessary, and to seize and take custody of the applicant's equipment specifically described in the Schedule mentioned in the Judges Summon and hand them over to the applicant



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Arb.Appln.No.1291 of :



pending final adjudication of the disputes between the parties through arbitration.

For Applicant : Mr.Dhanaram Ramachandran

### **ORDER**

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an Advocate Commissioner for seizing the equipment from the custody of the respondent, if required with police protection.

2. The case of the applicant is that the applicant entered into an agreement with the respondent on 20.02.2025 and the respondent was appointed as an exclusive distributor for sales, distribution and carrying on business under the trademark 'Mr.Goli Soda'. As per the terms and conditions of the agreement, the respondent was expected to comply with all covenants and stipulations which also includes the payment of royalty.

3. The applicant had also installed certain inventories and supplied the same which is described in Annexure- A to the agreement.

4. The grievance of the applicant is that the respondent had breached the terms and conditions of the agreement and defaulted to the terms of the



application of the agreement. It is under these circumstances, the applicant has approached this Court for seizure of equipments that were supplied by the applicant by appointing learned Advocate Commissioner.

5. This Court ordered notice to the respondent and since the same was returned as unserved, this Court directed learned counsel for the applicant to effect paper publication. Paper publication has been effected and affidavit of service has also been filed but there is no appearance for the respondent either in person or through counsel.

6. On carefully going through the material available on record, it is seen that the applicant is apprehending that the equipments supplied by the applicant will be secreted / misused by the respondent. The respondent has evaded notice and has not chosen to appear before this Court. Ultimately, if the dispute before the Arbitral Tribunal goes in favour of the applicant and in the meantime, the respondent dispossess all the equipments supplied by the applicant, the applicant will certainly be put to irreparable loss and hardship. In any case, the applicant is the owner of the equipments and the applicant will be entitled to repossess the same.

7. In view of the above, Mr.Abdul Aziz, who is partner of the applicant is appointed as Receiver and the Receiver is entitled to seize the



Arb.Appln.No.1291 of :

equipments described in the schedule to the judges summons, wherever found and if required with police aid.

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8. The relief as sought for in O.A.No.879 of 2025 cannot be granted by this Court and it is a matter to be raised and disputed before the Arbitral Tribunal. The interest of the applicant is sufficiently safeguarded by the order passed in Arb.Appln.No.1291 of 2025.

9. In the result, A.No.1291 of 2025 is disposed of in the above terms and O.A.No.879 of 2025 is closed.

**15.10.2025**

*mk*

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



Arb.Appln.No.1291 of :

**N.ANAND VENKATESH, J.**

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