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Arbitration Application No.1277 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

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THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1277 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

M/s.Techno India

Rep by its Proprietor

Mr.Omkar Arvind Hande

Flat No.23, Z Wing, Swapna Nagari

Chakan , Khed Road, Pune

Maharashtra – 410 501

..... Respondent

Prayer : Application filed under Order XIV Rule 8 of O.S.Rules read with Section 9(1)(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.1277 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 17.09.2025, this Court passed the following order:-

“This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, for appointment of an Advocate Commissioner for seizing of the equipments more fully described in the schedule to the judges summons and which is lying in the custody of the respondent and if required to secure the same with police aid and break open the premises.

2. *The case of the applicant is that the respondent availed finance facility to the tune of Rs.19,45,145/- in respect of two equipments. The parties entered into a loan agreement dated 30.04.2022. The respondent had to repay back the loan amount for the two equipments in 50 monthly instalments. The 1st instalment starts on 01.06.2022 and the last instalment ends on 05.07.2026.*

3. *The respondent committed default and nearly 38 instalments have fallen due from the respondent.*



4. *As per the affidavit filed in support of the application, a sum of Rs.5,25,933/- is due and payable for the 1st equipment and a sum of Rs.3,60,091/- is due and payable for the 2nd equipment.*

5. *The applicant apprehended that the respondent will illegally secret the equipment with an intention to defeat the rights of the applicant. It is under these circumstances, the present application came to be filed before this Court for appointment of an Advocate Commissioner to seize and deliver the equipments to the applicant.*

6. *Considering the averments made in the affidavit filed in support of the application and considering the submissions made by the learned counsel for the applicant, this Court ordered notice to the respondent returnable by 17.09.2025 and also permitted the learned counsel for the applicant to take private notice. The notice that was sent to the respondent has been returned with an endorsement "left".*

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.Bhagwat Madhukar Shelke, Branch Receivables Manager, is appointed as Receiver for seizing the subject vehicle from the respondent or wherever it is found and by breaking open the premises, if required, with police aid.*

8. *The learned counsel for the applicant shall take steps to effect service on the respondent through paper publication. Hence, paper publication shall be issued in a widely circulated newspaper in Maharashtra on or before 01.10.2025. The notice shall be returnable by 14.10.2025.*



9. *Post this case under the caption for orders on 14.10.2025. ”*

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3. Thereafter, the matter was listed for hearing on 14.10.2025. during which time, the learned counsel for the applicant seeks further time to effect paper publication. Accordingly, the Court has extended the time till 29.10.2025 to enable the applicant to effect service on the respondent through paper publication.

4. Pursuant to the above order, the paper publication was effected and the proof of affidavit has been filed, despite which, there is no representation for the respondent either in person or through counsel today.

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

6. In view of the above, the earlier order passed by this Court on 17.09.2025 is made absolute and the employee of the applicant viz., Mr.Bhagwat Madhukar Shelke, Branch Receivables Manager, who was already appointed by this Court, shall seize the vehicle and hand over the same to the applicant.



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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation: Yes / No
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N.ANAND VENKATESH,J.

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