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Arbitration Application No.1307 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2025

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Arbitration Application No.1307 of 2025

Axis Bank Ltd.,
Rep. by its Deputy Manager Selvaraj,
No.31, 2nd floor, South Mada Street,
Mylapore, Chennai - 600 004.

.... Applicant

Vs.

Shakti Prasad Mishra

... Respondent

For Applicant : Mr. Uma Vijayan M.R.

Prayer:

To appoint an Advocate Commissioner to take custody of the vehicle being RENAULT CAT B RENAULT TRIBER bearing Chasis No. MEERBC005L2034608, fitted with Engine No.B4DA417E004390 and registered as TS08HF3283, from the respondent or wherever it is found and deliver it to the applicant with liberty to sell and to permit the Advocate Commissioner to obtain police aid and to break open the premises.



ORDER

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This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 [for brevity, hereinafter referred to as 'the Act'] to appoint an Advocate Commissioner to take custody of the vehicle being RENAULT CAT B RENAULT TRIBER bearing Chasis No. MEERBC005L2034608, fitted with Engine No.B4DA417E004390 and registered as TS08HF3283, from the respondent or wherever it is found and deliver it to the applicant with liberty to sell and to permit the Advocate Commissioner to obtain police aid and to break open the premises.

2. Heard the learned counsel for the applicant and also carefully perused the materials placed before this Court.

3. In the instant case, a total sum of Rs.3,65,158/- is due and payable by the respondent. The trigger notice under Section 21 of the Act has been issued on 10.06.2025. Therefore, this Court does not find any manifest intention to arbitrate the case.



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4. In view of the above, this Court is not inclined to entertain this application. It is left open to the learned counsel for the applicant to proceed further to appoint an Arbitrator. It is always open to the applicant to move a petition under Section 17 of the Act and the Arbitrator shall decide the same on its own merits and in accordance with law.

5. This application is disposed of in the above terms.

18.09.2025

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N.ANAND VENKATESH, J.

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