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Arb Appln No. 1311 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb Appln No. 1311 of 2025

Axis Bank Ltd
Rep. By its Deputy Manager Selvaraj
No. 31, 2nd Floor,
South Mada Street,
Mylapore, Chennai

... Applicant

Vs

Rafees Muhammed Nazar

... Respondent

Application filed under Order IV Rule 8 of Original Side Rules read with Section 9(ii)(a)(b) of the Arbitration and Conciliation Act, 1996 to appoint an Advocate Commissioner to take custody of the vehicle being MARUTI CAT B MARUTI IGNIS Delta PETROL BSIV bearing Chassis No.MA3NFG81SJH218862, fitted with Engine No.K12MN4451339 and Registered as KL16V5206, 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 break open the premises.

For Applicant: Ms.Uma Vijayan M.R

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 the application came up for hearing on 18.09.2025, this Court issued notice to the respondent.

3. The affidavit of service has been filed by the learned counsel for the applicant and it is seen that notice has been served on the respondent.

4. This application has been moved with an undertaking that the applicant will initiate arbitration proceedings mainly on the ground that the respondent is attempting to secret the vehicle. Though notice has been served on the respondent, there is no representation for the respondent either in person or through counsel. Hence, it is found that the respondent is not interested in contesting the application and the apprehension of the applicant that the vehicle is attempted to be secreted stand established.

5. In view of the above, Mr.Praveen K, Assistant Vice President, is appointed as the Court receiver and the Court receiver is permitted to seize the equipment/vehicle from the respondent or wherever it is found and by breaking open the premises, if required with police assistance.

6. This application stands disposed of in the above terms.

14.10.2025

gpa



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N. ANAND VENKATESH.J.,

gpa

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