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Arb.Appln.No.1304 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1304 of 2025

HDB Financial Services Limited
Having one of its branch office at
4th Floor, Loyal Towers,
No.68/2, Greams Road, Chennai-600 006
Rep. by its Authorised Signatory
Mr. P.Saravanan

... Applicant

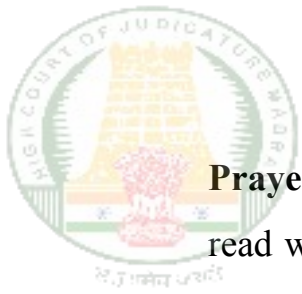
Vs.

1. Sri Buddha Engineering and Constructions Private Limited
Rep.by its Authorised Signatory
H.No.10-3-113P, 10-3-32/9/114,
Nehru Nagar, Secunderabad,
Hyderabad, Telangana 500 026.

2.Koditham Varalakshmi
D/o. Vannam Subba Rayudu
87-1388-N, NDK Road, NDL Checkpost,
Seshadri Nagar, Kurnool,
Andhra Pradesh-518002

3.Rajasekhar Koditham
S/o. Koditham Sreenivasulu
87-1388-N, NDK Road, NDL Checkpost,
Seshadri Nagar, Kurnool,
Andhra Pradesh-518002

...Respondents



Prayer: Arbitration Application filed under Order XIV Rule 8 of O.S. Rules read with Section 9(ii)(d) & (e) of the Arbitration Act, 1996, to appoint an Advocate Commissioner to seize and deliver the Asset SANY SY580C-10 HD EXCAVATOR Construction Equipment bearing Machine SL.No.SY055CD3357K8 available at the Respondents' premises or wherever found and permit the Advocate Commissioner to obtain police aid and to break open the premises.

For Applicant : Mr.M.Arunachalam

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (Act No.26 of 1996) for appointment of an Advocate Commissioner to seize and deliver the Asset more fully described in the schedule to the Judges Summons.

2. Today, when the matter was taken up for hearing, learned counsel for applicant submitted that notices were issued to the respondents and affidavit of service has been filed.

3. It is seen from the affidavit of service, that out of three respondents, notice sent to the first respondent has been returned with an endorsement "Left" and notices sent to the second and third respondent were



served. The first respondent is the company / borrower, second respondent is co-borrower and the third respondent is guarantor. Considering the fact that the respondents 2 and 3 have received the notices on behalf of the first respondent also, there is a deemed service on the respondents. Though the names of respondents are printed in the cause list, there is no representation for the respondents either in person or counsel. Hence, the apprehension raised on the side of the applicant that the respondent is trying to secret the construction equipment is *prima facie* established.

4. In view of the above, Mr.Sheik Mabuvali is appointed as Receiver for seizing the subject construction equipment from the respondents or wherever it is found and by breaking open the premises, if required, with police aid.

This application is disposed of in the above terms.

15.10.2025

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



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N.ANAND VENKATESH, J.

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