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Arb Appln NO. 43 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

Arb Appln No. 43 of 2025

Axis Bank Ltd
No. 31, 2nd Floor, South Mada Street, Mylapore,
Chennai

Appellant(s)

Vs

Madan Subbiah Pandithan
No. 31, 2nd Floor, South Mada Street, Mylapore,
Chennai A Wing G 2 Deewan Garden Ambadi Road,
Opp Akshaya Hotel Vasai West City Palghar Thane
Maharashtra 401 202 India.

Respondent(s)

For Appellant(s): Mr. Uma Vijayan M.R.

For Respondent(s):

ORDER

Learned counsel for the applicant submits, on instruction, that the applicant is willing for the appointment of an Advocate Commissioner by this Court in the place of an employee of the applicant being appointed as a receiver to repossess the vehicle from the respondent or wherever available.

2. This Court had earlier appointed the applicant's own employee as a receiver. Till date, the receiver has not repossessed the vehicle. Since the applicant



is now willing for appointment of an Advocate Commissioner, this Court is inclined to appoint an Advocate Commissioner for the purpose of re-possessing the vehicle which is the subject matter of the loan agreement dated 25.02.2022 entered into between the applicant and the respondent. Accordingly, the following order is passed by this Court:

a) Mr.K.Gantha Ruban, Advocate, having Office at Law Association of saidapet, Chennai-600 015(Mobile No.9283211843, 9025551525) is appointed as an Advocate Commissioner to repossess the vehicle morefully described in the Schedule to the Judges Summons from the respondent or wherever available in the place of the applicant's own employee as a receiver.

b) The Advocate Commissioner after re-possessing the vehicle, shall handover interim custody of the same to the applicant, who shall keep it in their safe custody;

c) In case, the Advocate Commissioner requires Police assistance due to any law and order problem or due to any obstruction caused by the respondent or by any third party, while re-possessing the vehicle, the Advocate Commissioner is at liberty to seek police assistance from the concerned police station and the police department shall grant police protection accordingly. In case, break open of the premises, where the vehicle is located, is required, the Advocate Commissioner



shall break open the premises in the presence of the police and take an inventory and thereafter re-possess the vehicle;

d) The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- by the applicant and on receipt of the same, the Advocate Commissioner shall proceed to execute this order. All the boarding, lodging and travelling expenses for the Advocate Commissioner shall be borne by the applicant.

3. It is made clear that if the vehicle is not found to be traceable before the next hearing date, this application shall stand automatically dismissed by granting liberty to the applicant to file a fresh application seeking for appointment of an Advocate Commissioner on the same cause of action, if and when the vehicle becomes traceable.

4. Fresh notice to the respondent, returnable by 17.03.2025. Private Notice is also permitted.

5. Post the matter on 17.03.2025 for filing of report by the Advocate Commissioner.

17-02-2025

vsi



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ABDUL QUDDHOSE,J.

vsi

To

1. Madan Subbiah Pandithan

No. 31, 2nd Floor, South Mada Street, Mylapore, ChennaiA Wing G 2 Deewan
Garden Ambadi Road, Opp Akshaya Hotel Vasai West City Palghar Thane
Maharashtra 401 202 India.

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