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Arbitration Application No.1410 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1410 of 2025

Tata Capital Limited,
by its Associate Legal Remedial,
R.Kamalakkannan,
Having its office at
1st Floor, Centennial Square,
6A-Dr.Ambedkar Salai,
Kodambakkam, Chennai – 600 024.

.... Applicant

Vs.

Mozhazinthaj Erayassan

.... Respondent

Arbitration Application under Order XIV Rule 8 of Original Side Rules r/w Section 9 (1) (ii) (d) of the Arbitration and Conciliation Act, 1996, praying to appoint Mr.Krishna Prasad (EM Code – 707634), Legal Manager, as a Receiver to seize and deliver the vehicle Maruti SWIFT DZIRE VDI BS I, Engine No.D13A2666019, Chassis No.MA3FJEB1S00811534HF, Registration Number KL54G6182 model with all accessories fitted to the vehicle lying Erayassan House, Othukkungal, Landmark – Dispensary Malapuram, Kerala – 676 528 or wherever it is found more fully described in the Judges Summons, with police aid or break open the premises wherever found and handover the same to the applicant.



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For Applicant : Mr.Rajeni Ramadass

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] for appointment of a receiver to seize and deliver the vehicle to the applicant, if required, with police aid.

2. The case of the applicant is that the respondent approached the applicant seeking financial facilities for purchase of vehicle. The applicant extended financial assistance to the tune of Rs.7,93,109/-. The parties entered into a Loan Agreement dated 19.12.2023. The amount advanced was expected to be repaid with interest in 33 EMIs. The monthly installment commenced on 05.02.2024 and it ends on 05.09.2026.

3. The specific case of the applicant is that the respondent was irregular in payment of installments and committed default in payment of 7 installments. Repeated demands and request made by applicant did not evoke any response. Therefore, the applicant invoked arbitration clause available in the agreement in Clause 13 and referred the matter to Sole



Arbitrator and the same is pending. It is under these circumstances, the present application has been filed.

4. This Court ordered notice to respondent and permitted learned counsel for applicant to take private notice. Private notice sent to respondent was received and it was also acknowledged and affidavit of service has also been filed and the name of respondent has also been printed in the cause list. However, there is no appearance either in person or through counsel.

5. Heard learned counsel for applicant and carefully perused the materials available on record.

6. In the considered view of this Court, the vehicle has been hypothecated to the applicant and the applicant in order to recover the amount has to necessarily take possession of the vehicle and bring it up for sale. Since the respondent has not repaid the amount nor has chosen

N.ANAND VENKATESH, J.

gm



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to appear before this Court, this Court is inclined to appoint a receiver for the purpose of seizure of vehicle and hand over the same to the applicant.

Accordingly, this application is allowed as prayed for. Mr.Krishna Prasad (EM Code – 707634), Legal Manager, is appointed as the receiver and the receiver is permitted to seize the vehicle from the respondent or wherever it is found and by breaking open the premises, if required with police assistance.

15.12.2025

gm

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