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Arbitration Application No.1411 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.1411 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.

Maxan P M

.... 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 Hyundai Motor India Limited – Hyundai EON Magna Plus, Engine No.G3HAGM461953, Chassis No.MALA351ALGM505120K, Registration No.KL08BL3474 model with all accessories fitted to the vehicle lying at Poovathingal House, Attore Kuttoor Po Kuttoor Landmark – Sobha Silver Estate, Thrissur, Kerala, Pincode – 680 013 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.



Arbitration Application No.1411 of 2025

For Applicant : Mr.Rajeni Ramadass

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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.2,72,783/-. The parties entered into a Loan Agreement dated 29.01.2024. The amount advanced was expected to be repaid with interest in 48 EMIs. The first installment commenced on 05.03.2024 and it ends on 05.02.2028.

3. The specific case of the applicant is that the respondent was irregular in payment of installments and committed default in payment of 9 installments. Repeated demands and request made by applicant did not evoke any response. Therefore, the applicant issued the trigger notice on 08.07.2025 under Section 21 of the Act in line with clause 13 of the agreement, which provided for appointment of an Arbitrator. In the mean time, an attempt was made by the respondent to secret the vehicle. It is



under these circumstances, the present application has been filed.

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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 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 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.

N.ANAND VENKATESH, J.

gm



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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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