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Arb Appln No. 1419 of 2025



DATED: 08.12.2025

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THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

Arb. Appln. No.1419 of 2025

Mercedes Benz Financial Services India Private Limited
5th Floor, Plot 8, Baashyam Willow Square 9 and 10
First Street, Thiru Vi Ka Industrial Estate,
Guindy Chennai

Applicant(s)

Vs

Vinod Trimbak Salve
HUDCO 13 Aurangabad
Maharashtra 431 001

Respondent(s)

Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9(1)(ii)(a)(b)(d) & (e) of the Arbitration and Conciliation Act, 1996, praying to appoint an Advocate Commissioner to seize and take possession of the vehicle which is morefully described in the schedule to the Judges Summons which is lying in the custody of respondent or respondent's men, agents, servants from respondent premises or wherever found with police aid and break open of premises if necessary.

For Applicant : Mr.D.Pradeep Kumar

ORDER

When this application came up for hearing on 03.11.2025, this Court passed the following order:



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“This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (in short “the Act”), seeking for appointment of an Advocate Commissioner to seize the vehicle in possession of the respondent, if required, with police aid.

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

3. It is seen that already an award came to be passed on 03.10.2024 directing the respondent to pay a sum of Rs.32,24,269/- along with interest. The learned counsel for the applicant submitted that till date, the award has not been challenged by the respondent by filing a petition under Section 34 of the Act and that the award has become final.

4. The specific averment has been made in the affidavit filed in support of the application is that the applicant was not able to repossess the vehicle in spite of their best efforts and that the vehicle has been secreted.

5. Considering the fact that the award has already been passed and it has become final and in order to recover the amount, the applicant is seeking for an interim protection. Hence, this Court appoints Ms.S.Deepika, Advocate (Enrl.No.5474/2024), (Mobile No.89259 99737), having e-mail id : deepikasathiyarayanan@gmail.com, residing at No.10/22, Mariyamman Kovil Street, Ashoka Nagar, Arumbakkam, Chennai 106, as Advocate Commissioner, to seize the vehicle from the possession of the respondent and take custody of the vehicle and hand over the same to the applicant.

6. If the respondent resists the execution of warrant by the Advocate Commissioner, the Advocate Commissioner may, if desired, take the help of the local police for effecting seizure of the vehicle mentioned in the application from the respondent. The Advocate Commissioner may also break open the lock from the premises of the respondent with the help of the local police. The Advocate Commissioner shall however record the event surrounding such steps and file a report before this Court.

7. The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- (Rupees Twenty Five Thousand only), in advance, within a period of one week from the date of receipt of a copy of this order. The expenses toward the travel and stay shall be defrayed by the applicant.



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8. Interim custody of the seized vehicle shall be handed over to the applicant for safe keeping, after obtaining due acknowledgement receipt from the applicant. Seized vehicle shall not be sold and/or auctioned by the applicant, without permission of the Court or the Arbitrator to be appointed under the Agreement between the applicant and the respondent.

9. Notice to the respondent returnable by 01.12.2025. Private notice is also permitted.

Post on 01.12.2025.”

2.Pursuant to the above order, the Advocate Commissioner has filed a report. It is seen that the vehicle has been seized and handed over to the applicant.

3.There shall be a direction to the applicant to pay a sum of Rs.25,000/- as additional remuneration to the learned Advocate Commissioner.

With the above direction, this application is disposed of.

08.12.2025

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Index: Yes/No

Neutral Citation: Yes/No



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N.ANAND VENKATESH, J.

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