



Arbitration Application No.1456 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1456 of 2025

M/s.Mercedes-Benz Financial Services
India Pvt. Ltd.,
5th Floor, Plot 8, Baashyam Willow Square,
9&10, First Street, Thiru Vik Ka Industrial Estate,
Guindy, Chennai – 600 032, Tamil Nadu, India.
Represented by its Authorised Signatory,
Mr.S.Sadam Hussain Applicant

Vs.

1.Yogesh Kumar
2.Babli Yogesh Kumar Respondents

Arbitration Application under Order XIV Rule 8 of Original Side Rules r/w Section 9 (ii) (d) & (e) of the Arbitration and Conciliation Act, 1996, praying to appoint a receiver, namely, Mr.Ashok Kumar Charlee, working as Agency Manager with the applicant company to seize and deliver the Asset Mercedes-Benz V213 E200 Motor Car bearing Engine No.26492080343093 and Chassis No.W1KZG8AB7PL058655 available at the respondents' premises or wherever found and permit the receiver to obtain police aid and to break open the premises.

For Applicant : Mr.M.Arunachalam

ORDER



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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 petitioner extended financial facilities to the respondents. The first respondent is the borrower and the second respondent is the co-borrower. Since the respondents committed default, a recall notice dated 13.10.2025 was issued and in spite of receipt of the same, there was no response from respondents. It is under these circumstances, the present petition came to be filed before this Court.

3. When the application came up for hearing on 11.11.2025, this Court issued notice to respondents.

4. The private notice sent to the respondents has been returned with an endorsement “No such person in the address” and affidavit of service has also been filed. As the notice has been sent to the address given in the agreement, there is a deemed service on the respondents and



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the respondents are neither present nor represented through counsel.

Hence, the apprehension raised on the side of the applicant that the respondents are trying to secret the vehicle is *prima facie* established.

5. In view of the above, Mr.Ashok Kumar Charlee, Agency Manager, is appointed as the Court receiver and the Court receiver is permitted to seize the vehicle from the respondents or wherever it is found and by breaking open the premises, if required with police assistance.

This application stands disposed of in the above terms.

15.12.2025

gm

N.ANAND VENKATESH, J.

gm



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