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Arbitration Application No.1458 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.1458 of 2025

M/s.HDB Financial Services Limited

Having one of its branch office at:

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4 Floor, Loyal Towers, No.68/2,
Greens Road, Chennai – 600 006.

represented by its Authorised Signatory,

Mr.P.Saravanan

.... Applicant

Vs.

1.Ningappa Chandappa Lamani

S/o.Chandappa

2.Chandappa Shankrappa Lamani

S/o.Shankrappa

.... 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 *viz.*, Mr.Mallanna Hanmataraya, Area Collection Manager of the applicant to seize and deliver the asset “JCB 3DX HD BSIV BACKHOE LOADER” Construction Equipment bearing Registration No.KA-27-N-7330 and Engine No.H00319193 and Chassis No.HAR3DXS4E03069010 available at the respondent's premises or wherever found and permit the receiver Mr.Mallanna Hanmataraya, Area Collection Manager to obtain police aid and to break open the premises.



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For Applicant : Mr.M.Arunachalam

ORDER

When the matter came up for hearing on 11.11.2025, this Court passed the following 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 equipment from the respondents to the applicant, if necessary, with police protection and by breaking open the premises.

2. Heard Mr.M.Arunachalam, learned counsel for the applicant and carefully perused the materials available on record.

3. It is seen from records that an award has already been passed on 03.01.2024 and the said award has become final. In spite of the best efforts taken by the applicant, the equipment is not able to be seized. Without that security, the applicant will not be able to recover the amount from the respondents.

4. Accordingly, Mr.Mallanna Hanmataraya, Area Collection Manager, is appointed as the receiver and the receiver is permitted to seize the equipment from the respondents or wherever it is found and by breaking open the premises, if required with police assistance.

5. Notice to the respondents returnable by 09.12.2025. Private notice is also permitted.

6.List this application on 09.12.2025.”

2. Private notice has been served on respondents and affidavit of service has also been filed. The names of respondents have also been printed in the cause list. The respondents are neither present nor represented through counsel. Hence, the apprehension raised on the side



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of the applicant that the respondents are trying to secret the construction equipment is *prima facie* established.

3. Learned counsel for applicant submitted that the subject vehicle is yet to be seized.

4. In view of the aforesaid submission, the order passed by this Court on 11.11.2025 is made absolute.

Accordingly, this application is disposed of.

15.12.2025

gm

N.ANAND VENKATESH, J.

gm



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