



Arbitration Application No.1457 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.1457 of 2025

M/s.HDB Financial Services Limited

Having one of its branch office at:

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

represented by its Authorised Signatory,

Mr.P.Saravanan

.... Applicant

Vs.

1.Parashuram Kambale

S/o.Maruti Kambale

2.Pavitra Kambale

W/o.Shantappa Banikol

.... 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 JS130 Excavator” Construction Equipment bearing Engine No.H00335872 and Chassis No.PUNJD13CCN3133632 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.

For Applicant : Mr.M.Arunachalam

ORDER



When the matter came up for hearing on 12.11.2025, 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 respondent to the applicant, if necessary, with police protection and by breaking open the premises.

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

3. It is seen from records that an award has already been passed on 28.03.2024 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 respondent.

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

5. Notice to the respondent returnable by 10.12.2025. Private notice is also permitted.

List this application on 10.12.2025.”

2. Private notice sent to the first respondent has been returned with an endorsement “Refused” 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 first respondent. Insofar as the second respondent is concerned, notice was served and affidavit of service has also been



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filed. The names of the 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 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 12.11.2025 is made absolute.

Accordingly, this application is disposed of.

15.12.2025

gm

N.ANAND VENKATESH, J.

gm



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