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Arbitration Application No.1459 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.1459 of 2025

M/s. Mercedes Benz Financial Services India Pvt Ltd.,
5th Floor, Plot 8, Baashyam Willow Square,
9&10, First Street, Thiru Vi Ka Industrial Estate,
Guindy, Chennai 600032, Tamil Nadu, India.
Represented by its Authorised Signatory
Mr.S.Sadam Hussain

Applicant

Vs

1.D S Home Construction Pvt Ltd
Rep.by Mr.Sikandar Singh, 311, 3rd Floor,
Global Foyer B Golf Course road, Sector 43,
Gurgaon, Haryana 122002.

2.Sikandar Singh
House No. A2/15, Near Qutab Plaza Market,
DLF Phase 1, Gurgaon, Haryana 122002.

Respondents

PRAYER

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, to appoint a Receiver namely Mr.Prince Walia, Working as Agency Manager with the Applicant Company to seize and deliver the Asset



Mercedes-Benz AMG G 63 Passenger Car bearing Reg.No.HR-98-J-1265
Engine No.17798060224047 and Chassis No. W1N4632762X454178
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

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 26.10.2024 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.Prince Walia, Agency 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.”



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2. Private notice sent to first respondent has been returned with an endorsement “Addressee Left without instructions” and private notice sent to second respondent has been returned with an endorsement “Refused” and affidavit of service has also been filed. The first respondent is a company. As the notice has been sent to the address given in the agreement, there is a deemed service on respondents. The apprehension raised on the side of the applicant that the respondents are trying to secret the vehicle 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

NCC:Yes/No
gm



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N.ANAND VENKATESH, J.

gm

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