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Arbitration Application No.1471 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.1471 of 2025

Tata Capital Limited,
By its Associate Legal Remedial,
R.Kamalakkannan
Having its office at
1st Floor, Centennial Square,
6A-Dr.Ambedkar Salai,
Kodambakkam, Chennai – 600 024. Applicant

Vs.

Sivakumar Kulandaivel Respondent

Arbitration Application under Order XIV Rule 8 of Original Side Rules r/w Section 9 (ii) (b) (d) & (e) of the Arbitration and Conciliation Act, 1996, praying to appoint Mr.Abish DJ employed as employee currently designated as Legal Manager Applicant Company having his office First Floor, Centennial Square, Dr.Ambedkar Salai, Kodambakkam, Chennai, Tamil Nadu 600 024 as Receiver to seize and deliver the asset Excavator Asst Category M and HCV, Asst Model TATA LPT4225 BSVI COWL CHAS_CV Engine No.B6. 7B6A2502132C64283128 Chassis No.MAT793008P3C10007 Reg.No.TN29CT3339 AT 529 T Ayyampatti Yhalanatham Pappireddipatty, Tk Landmark Om Sakthi Kovil Dharmapuri, Tamil Nadu 635 302. or wherever it is found morefully described hereunder



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with police aid or break open the premises from wherever it is found and handover the same to the Applicant.

For Applicant : Mr.N.K.Vanan

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 vehicle to the applicant, if required, with police aid.

2. The petitioner extended financial facilities to the respondent. Since the respondent committed default, a recall notice dated 09.05.2024 was issued and in spite of receipt of the same, there was no response from respondent. It is under these circumstances, the present petition came to be filed before this Court.

3. When the application came up for hearing on 17.11.2025, this Court issued notice to respondent.

4. The private notice sent to the respondent has been returned



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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 respondent and the respondent is neither present nor represented through counsel. Hence, the apprehension raised on the side of the applicant that the respondent is trying to secret the vehicle is *prima facie* established.

5. In view of the above, Mr.Abish DJ, Legal Manager, is appointed as the Court receiver and the Court receiver is permitted to seize the vehicle from the respondent 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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