



Arbitration Application No.1491 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.1491 of 2025

M/s.Cholamandalam Investment and
Finance Company Limited,
'Chola Crest', C 54 & 55, Super B-4,
Thiru Vi ka Industrial Estate,
Guindy, Chennai – 600 032.
represented by its Authorised Signatory Applicant

Vs.

Saju K Raphel
S/o.Raphel Respondent

Arbitration Application under Order XIV Rule 8 of Original Side Rules r/w Section 9 (1) (ii) (a) (b) (d) & (e) of the Arbitration and Conciliation Act, 1996, praying to appoint employee of the applicant viz., Mr.Akhil Poppy Antony, Legal Executive, as receiver to seize and take possession of the vehicle which is morefully described in the schedule to the Judges Summons which is lying in the custody of respondent and respondent's men, agents, servants from respondent premises or wherever found with police aid and break open of premises, if necessary.

For Applicant : Mr.D.Pradeep Kumar

ORDER



When the matter came up for hearing on 17.11.2025, 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 vehicle from the respondent to the applicant, if necessary, with police protection and by breaking open the premises.

2. Heard Mr.D.Pradeep Kumar, learned counsel for applicant and carefully perused the materials available on record.

3. It is seen that an award has already been passed on 25.08.2025 directing the respondent to pay a sum of Rs.6,32,114/-. The specific case of the applicant is that till date, the award has not been challenged. The applicant is also not able to take possession of the vehicle. It is under these circumstances, the present application has been filed before this Court.

4. Considering the fact that an award has been passed and the applicant must be able to recover the amount from the respondent, this Court is inclined to appoint a receiver.

5. Accordingly, Mr.Akhil Poppy Antony, Legal Executive, is appointed as the receiver and the 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.

6. Notice to the respondent returnable by 15.12.2025. Private notice is also permitted.

List this application on 15.12.2025.”

3. The private notice sent to the respondent has been returned with an endorsement “left” 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



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nor represented through counsel. Hence, the apprehension raised on the side of the applicant that the respondent is trying to secret the 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 17.11.2025 is made absolute.

Accordingly, this application is disposed of.

15.12.2025

gm

N.ANAND VENKATESH, J.

gm



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