



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb Appln No. 25 of 2026

Tata Capital Ltd
by its Manager & Legal Remedial
Ram Kumar Sathya Moorthy
Having its office at
1st Floor Centennial Square
6A Dr Ambedkar Salai
Kodambakkam Chennai 600 024.

..Petitioner(s)

Vs

Muhammed Hilal M
Punnatharayil Eruva P.O., Keerikkad Part
Alappuzha, Landmark - Near Eruva Temple,
Alappuzha 690 502 Kerala.

..Respondent(s)

This application filed to pass an order appointing Mr.Krishna Prasad, employed as employee currently designated as Legal Manager in the Applicant company having his office TATA CAPITAL LIMITED Ground Floor, Jain Tower II, NH 17, Near Lulu Mall, Edapally, Cochin 682 024 as Receiver to seize and deliver the asset MARUTI SUZUKI SWIFT VDI bearing Engine No.D13A0630413 Chassis No.MA3FHEB1S00A85461DG Reg.No.KL31C2222 situated at Punnatharayil Eruva P.O. Keerikkad Part Alappuzha, Landmark - Near Eruva Temple, Alappuzha 690 502 Kerala. or wherever it is found more fully described hereunder with police aid or break open the premises from wherever found and handover the same to the applicant.

For Petitioner(s): Mr.N.K.Vanan

For Respondent(s): No appearance

**ORDER**

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This application has been filed to appoint employee currently designated as Legal Manager in the Applicant company having his office TATA CAPITAL LIMITED Ground Floor, Jain Tower II, NH 17, Near Lulu Mall, Edapally, Cochin 682 024 as Receiver to seize and deliver the asset MARUTI SUZUKI SWIFT VDI bearing Engine No.D13A0630413 Chassis No.MA3FHEB1S00A85461DG Reg.No.KL31C2222 situated at Punnatharayil Eruva P.O. Keerikkad Part Alappuzha, Landmark - Near Eruva Temple, Alappuzha 690 502 Kerala. or wherever it is found more fully described hereunder with police aid or break open the premises from wherever found and handover the same to the applicant

2. The learned counsel appearing for the applicant would submit that the applicant had provided a loan to the respondent for the purchase of the aforesaid vehicle and also a Loan Agreement had also been entered by the respondent with the applicant on 06.02.2024. He would contend that there is some unremained installments that are to be made by the respondent and that in spite of repeated demands, the respondent had failed to regularize the default and had continued to not pay the EMIs. He would further submit that considering the facts of the case, the applicant had sought for an appointment of a party receiver which would be more effective.



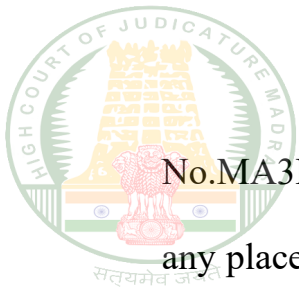
3. Notice was ordered by this Court and the notice had been returned with an endorsement as 'addressee is now working at oman' and therefore, the service could not be effected. The private notice effected had also been returned with an endorsement as 'addressee is out of India'.

4. This application had been filed for repossession of the vehicle on the ground that there has been a default in payment of the EMIs and that as on date, there is a due of a sum of Rs.83,936/-.

5. I have considered the submissions made by the learned counsel for the applicant and also perused the materials placed on record.

6. Since the amount had not been paid by the respondent and having not complied with this obligation under the contract, this Court is of the *prima facie* view, it would cause prejudice to the applicant if he is not allowed to repossess the vehicle.

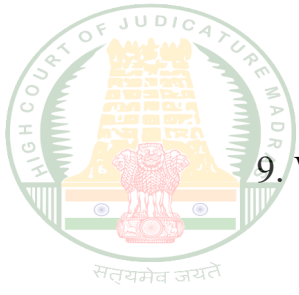
7. Upon considering the facts and circumstances of the case and the submissions made by the learned counsel for the applicant, this Court is satisfied with the prayer sought for in this application and in fine, Mr.Krishna Prasad, is appointed as Party Receiver to seize and take possession of the MARUTI SUZUKI SWIFT VDI bearing Engine No.D13A0630413 Chassis



No.MA3FHEB1S00A85461DG Reg.No.KL31C2222 from the respondent or any place belonging to the respondent or wherever found and with whomsoever

it is found. It is also made clear that if police help is required, the Party Receiver shall make a request to the local police station within whose jurisdiction the vehicle is found and on such request being made, the Station House Officer shall send the Police Personnel along with the Party Receiver to seize the vehicle. If break open of a lock is required, the Party Receiver shall do so in the presence of the police personnel who will counter sign the record evidencing the break open of the lock and to re-lock the premises. If the Party Receiver finds any difficulty with the jurisdictional police, he is at liberty to approach Superintendent of Police, who shall provide all necessary assistance to him at the time of seizure of the vehicle.

8. If the respondent make good the unpaid installments or makes substantial payments of the dues to be paid to the satisfaction of the applicant, the applicant shall return the asset in the condition it was re-posessed. It is made clear that the asset shall be maintained in good condition and be only dealt with subject to the award to be passed by the arbitrator.



9. With the above terms, this application stands allowed.

04-06-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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K.KUMARESH BABU, J.

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Dated : 04.06.2026