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Arbitration Application No.34 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.34 of 2026

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.

Kathirvel S.

....Respondent

PRAYER

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 an Advocate Commissioner to seize and deliver the vehicle to applicant which is more fully described in the schedule to the Judges Summons which is lying in the custody of respondent or respondent's men, agents, servants from respondent premises or wherever found with police aid and break open of premises.

For Applicant : Mr.D.Pradeep Kumar



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ORDER

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This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] for appointment of an Advocate Commissioner for seizing the vehicle in the custody of the respondent, if necessary, with police protection and by breaking open the premises.

2. The case of the applicant is that the applicant extended financial facility to the respondent to the tune of Rs.6,00,000/- under Loan Agreement dated 05.02.2024. There are totally 16 monthly installments. The respondent has paid only 7 installments, thereafter, he committed default in payment of loan. In spite of repeated demand made by the applicant, the respondent has not paid the amount. The applicant has also sent a notice on 07.06.2025. As on 13.12.2025, a sum of Rs.4,86,848.86 is due and payable by the respondent. Hence, the present application has been filed seeking the aforesaid relief.

3. Notice was ordered to the respondent and the same has been served and affidavit of service has been filed. The name of the respondent is also printed in the cause list. However, there is no appearance either in person or through counsel.



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4. Heard learned counsel for applicant and carefully perused the materials available on record.

5. Considering the fact that the respondent has not chosen to enter appearance and contest this application, this Court is inclined to appoint Ms.R.Divya Bharathi, Advocate, 160, 3rd Floor, Hussain Plaza, Thambu Chetty Street, Chennai – 600 001, divya98627@gmail.com [73586 67521], as the Advocate Commissioner to seize the subject vehicle in the custody of the respondent, if necessary, with police protection and by breaking open the premises.

6. The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- [Rupees Twenty Five Thousand only], within a period of one week from the date of receipt of a copy of this order. The expenses towards the travel and stay shall be defrayed by the applicant.

This application is disposed of in the above terms.

16.02.2026

Index:yes/no
NCC:yes/no
gm

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N.ANAND VENKATESH, J

gm

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