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Arb Appln No. 46 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb Appln No. 46 of 2026

M/s.Cholamandalam Investment and
Finance Company Limited,
'Chola Crest', C54-55 & Super B – 4,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032,
Represented by its Authorised Signatory.

..Applicant(s)

Vs

Thamu G, S/o.Gajendiran,
261 Ayyagoundarpatti Gollamangalam,
Ambur Tk Vellore Temple
Katpadi, Tamil Nadu 635 809.

..Respondent(s)

Arbitration Application under Order XIV Rule 8 of Original Side Rules read with Section 9(1)(ii)(a)(b)(d) & (e) of the Arbitration and Conciliation Act, 1996 praying to appoint employee of the Applicant viz Mr.N.Rajkumar, Area Business Manager, as Receiver to seize and take possession of the construction equipment 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 if necessary.

For Applicant(s): Mr.D.Pradeep Kumar

For Respondent(s): No appearance



ORDER

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This application has been filed to appoint employee of the Applicant viz., Mr.N.Rajkumar, Area Business Manager, as Receiver to seize and take possession of the construction equipment 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.

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 26.04.2023. 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. In spite of notice having been effected on the respondent, the respondent had neither chosen to appear before this Court in person nor is being



represented by a counsel. The name of the respondent has been reflected in the cause-list. He was called absent and set *ex parte*.

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

5. This Court is of the view that the applicant has made out a *prima facie* case for appointment of a Party Receiver. It is to be noted that the arbitration proceedings had been initiated and the award had been passed on 20.03.2026.

6. 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.N.Rajkumar, is appointed as Party Receiver to seize and take possession of the JCB EXCAVATOR JS215 LC, Chassis No.PUNJD21AKP3274537, Engine No.95416140 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.

7. 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-possessioned.

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

04-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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K.KUMARESH BABU, J.

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