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Arbitration Application No.65 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2026

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.65 of 2026

M/s.Mercedes-Benz Financial Services India Private Limited,
5th Floor, Plot 8, Baashyam Willow Square 9 & 10,
First Street, Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.

Represented by its Authorised Signatory
Vs.

.... Applicant

Mr.Mukendra Singh

.... 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.Devesh Dixit, Manager, as Receiver to seize and take possession of the vehicle 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 bread open of premises if necessary.

For Applicant : Mr.D.Pradeep Kumar

ORDER

When the matter came up for hearing on 28.01.2026, 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 M/s.T.Dhanya 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 09.02.2022 directing the respondent to pay a sum of Rs.25,27,461/-. The specific case of the applicant is that till date, the award has not been challenged and the amount has not been paid by the respondent. 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.Devesh Dixit, Manager, 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 23.02.2026. Private notice is also permitted.

List this application on 23.02.2026.”

2. Private notice sent to the respondent has been returned with an endorsement “Incomplete address” 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. The respondent is neither



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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.

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 28.01.2026 is made absolute.

Accordingly, this application is disposed of.

23.02.2026

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N.ANAND VENKATESH, J.

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