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Arb Appln No.171 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb.Appln. No.171 of 2026

M/s.Cholamandalam Investment and
Finance Company Ltd.,
Chola Crest, C54-55 & Super B – 4,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.

..Petitioner

Vs

CK Tours and Travels
Rep by its Proprietor Mr.Chandrakant
Room No.1212, Jay Hind Galli,
Near Gadge Nagar,
Ambarnath, West Ambarnath Kalyan,
Maharashtra – 401 602.

..Respondent

Judge's Summons under Order XIV Rule 8 of O.S.Rules, read with Section 9(1) (ii) (c) & (e) of the Arbitration and Conciliation Act, 1996, to grant an order appointing as receiver of Mr.Prashant Gangaram Nikumbh currently designated as Assistant Receivable Manager of M/s.Cholamandalam Investment and Finance Company Limited having his office at Chola Crest, C54 & 55, Super B-4, Thiru-Vi-Ka Industrial Estate, Guindy, Chennai – 600 032, to visit the respondent's premises, other areas which is occupied by the respondent and any other premises of the respondent along with Local police protection to break open if necessary, and to seize and take custody of the vehicle hypothecated with applicant being Model- WAGON R LXI CNG 1L 5MT, Chassis No.-MA3JMTB1SRGB40875, Engine No.C628951 and bearing Registration No.-MH-05-FJ-5373, with all accessories fitted to the asset



specifically described in the schedule to the Judge's Summons and hand them over to the applicant pending final adjudication of the disputes between parties through arbitration.

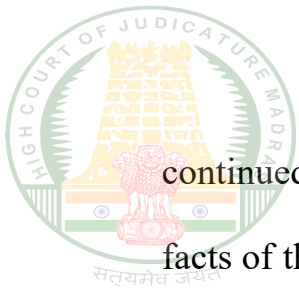
For Petitioner : Mr.T.Gowri Shankar
For M/s.SAN LAW PARTNERS

For Respondent : No appearance

ORDER

This application has been filed to appoint employee of the Applicant viz., Mr.Prashant Gangaram Nikumbh, currently designated as Assistant Receivable Manager 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 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 21.08.2024. 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



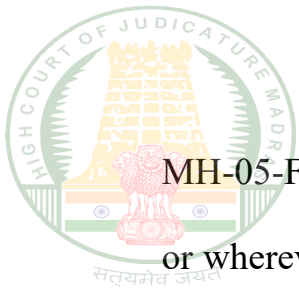
continued to not pay the EMIs. He would further submit that considering the facts of the case, the applicant had sought for an appointment of a party receiver which would be more effective.

3. 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.

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 also to be noted that the arbitration proceedings have not been initiated.

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.Prashant Gangaram Nikumbh, is appointed as Party Receiver to seize and take possession of the Model- WAGON R LXI CNG 1L 5MT, Chassis No.- MA3JMTB1SRGB40875, Engine No.C628951 and bearing Registration No.-



MH-05-FJ-5373, 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 disposed of.

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K.KUMARESH BABU, J.

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