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Arb Appln No. 210 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb Appln No. 210 of 2026

Tata Capital Ltd
By its Associate & 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

Mohd Ibrahim Khan
No.19-157, Masjid Chowk Road near Jamiya Masjid,
Khursheed Mohalla Shahabad,
Landmark Shahabad, Gulbarga,
Karnataka - 600039.

..Respondent(s)

Prayer This application filed to pass an order appointing Mr.Raju K Bhajantri, Employee Code 866037, employed in the Applicant Company as Receiver to seize and deliver the asset XOZHOU CONSTRUCTIONs MACHINERY GROUP IByE STETTER XCMG XE210i EXCAVATOR bearing Engine No.4295456751 Chassis No.XUGB210BLRKA01610 situated at No.19-157, Masjid Chowk Road near Jamiya Masjid, Khursheed Mohalla, Shahabad, Landmark Shahabad, Gulbarga, Karnataka - 600 039 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 Mr.Raju K Bhajantri, Employee Code 866037, employed in the Applicant Company as Receiver to seize and deliver the asset XOZHOU CONSTRUCTIONs MACHINERY GROUP IByE STETTER XCMG XE210i EXCAVATOR bearing Engine No.4295456751 Chassis No.XUGB210BLRKA01610 situated at No.19-157, Masjid Chowk Road near Jamiya Masjid, Khursheed Mohalla, Shahabad, Landmark Shahabad, Gulbarga, Karanataka - 600 039 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 14.06.2024. 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.

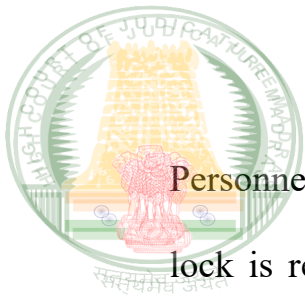


3. In spite of notice having been effected on the respondent, the respondent had neither chosen to appear before this Court in person nor is being represented by a counsel. The name of the respondent has been reflected in the cause-list. He was called absent and set *ex parte*.

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.

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.Raju K Bhajantri, is appointed as Party Receiver to seize and take possession of the the Asset XOZHOU CONSTRUCTIONS MACHINERY GROUP IByE STETTER XCMG XE210i EXCAVATOR bearing Engine No.4295456751 Chassis No.XUGB210BLRKA01610 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. 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.

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

11-06-2026

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

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K.KUMARESH BABU, J.

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