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Arb Appln No.636 of 2026



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.636 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.
Represented by its Authorised Signatory

..Petitioner

Vs

Mr.Ajithkumar C

..Respondent

Judge's Summons under Order XIV Rule 8 of O.S.Rules, read with Section 9(1) (ii) (a) (b)(d) & (e) of the Arbitration and Conciliation Act, 1996, 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 and break open of premises if necessary.

For Petitioner : Mr.D.Pradeep Kumar

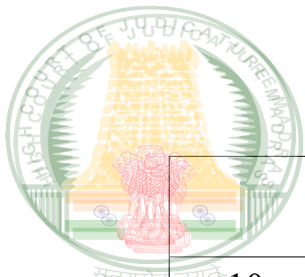
For Respondent : No appearance

**ORDER**

This application has been filed 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 and break open of premises if necessary.

2. The learned counsel appearing for the applicant would submit that the applicant provided a loan to the respondent for the purchase of the asset vehicle and also a Loan Agreement had also been entered by the respondent with the applicant on 23.04.2024. The brief details in nutshell are as follows:

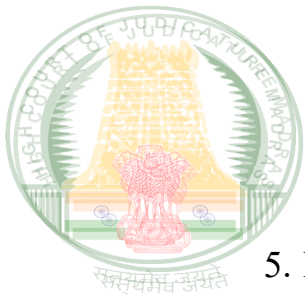
S.No.	Particulars	Remarks
1	Name of the Lender	M/s.Cholamandalam Investment and Finance Company Limited
2	Name of the Borrower	Mr.Ajithkumar C
4	Date of the Loan Agreement	23.04.2024
5	Loan amount	Rs.22,91,230/-
6	No. of installments	59 Instalments @ Rs.51,494/-
7	First installment	25.05.2024
8	Last installment	25.03.2029
9	Notice	12.02.2026



10	Reply to the Notice	Nil
11	Rate of interest	11.90%
12	Amount claimed	Rs.30,38,146/-
13	Arbitration proceedings initiated	Arbitration initiated and pending

3. The learned counsel for the applicant further submits that the respondent, having availed the loan, failed to repay the same. He would submit that the hypothecated vehicle is a movable asset and if it is kept in idle condition, it would get damaged and its value also gets deteriorated and hence he would urge this Court to appoint an Advocate Commissioner to reposses the asset morefully described in the schedule to the Judges summons available at the respondent's premises, in order to make the security effective and the money in dispute in arbitration is fully secured by way of sale of the vehicle in public auction after following due process of law.

4. 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.



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

6. This Court is of the view that the applicant has made out a *prima facie* case for appointment of an Advocate Commissioner. It is also to be noted that the arbitration proceedings have been initiated and the same is pending before the Arbitrator.

7. 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. In fine, Ms.S.Menaka, Enrollment No:389/2004, Women Layer's Association, 1st floor, Additional Law Chamber, High Court Building, Chennai – 104, (Mobile No.9790991941) is appointed as the Advocate Commissioner to seize the vehicle Model – EICHER PRO 2050, bearing Engine No.E336CDRD101220, Chassis No.MC2FADRT0RD544944 and Registration No.TN30CU5823 to the custody of the Applicant, available at the Respondent premises or wherever found and with whomsoever it is found and hand over the same to the custody of the applicant. She shall be paid her initial remuneration of Rs.30,000/- (Rupees Thirty Thousand Only) in advance. The expenses towards her travel and stay shall be defrayed by the applicant. The said initial remuneration shall

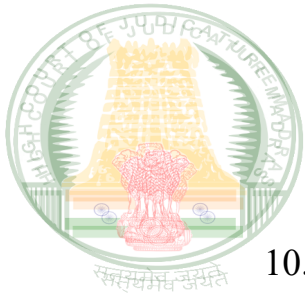


be paid to the Advocate Commissioner within a period of two weeks from the date of receipt of communication from her.

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8. It is hereby made clear that if police help is required, the Advocate Commissioner 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 Advocate Commissioner to seize the vehicle. If break open of a lock is required the Advocate Commissioner 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 Advocate Commissioner find any difficulty with the jurisdictional police, she is at liberty to approach Superintendent of Police, who shall provide all necessary assistance to the Advocate Commissioner at the time of seizure of the vehicle. After the seizure, the vehicle is to be handed over to the applicant or to their representative, after taking inventories.

9. If the respondent makes 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-possessed. 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.



10. With the above said terms, this application stands disposed of.

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11. A report shall be filed by the learned Advocate Commissioner within
a period of six weeks.

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K.KUMARESH BABU, J.

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