



WEB COPY



Arbitration Application No.916 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.916 of 2025

M/s.IndusInd Bank Ltd.,
Rep. By its Deputy Manager Legal, I.J. Vasantha Rooban Abishek,
Having Office at
Consumer Finance Division,
No.34, G.N.Chetty Road, T.Nagar,
Chennai – 600 017.

.... Applicant

Vs.

Mohan P.,
S/o.Purusothaman

.... Respondent

PRAYER : Arbitration Applications filed under Order XIV Rule 8 of Original Side Rules read with Section 9(1)(2)(ii)(a)(b)(d) & (e) of the Arbitration and Conciliation Act, 1996, to appoint an Advocate Commissioner to seize and deliver the vehicle /Machinery KUN Commercial Vehicles Pvt. Ltd., BharathBenz 2826C 6X4 4275 WS BSVI bearing Vehicle Registration No.TN73BZ8686, Vehicle Engine No.926956D01687548 and Vehicle Chasis No.MEC841KBBRP159693 to the custody of the applicant, available at the respondent premises or wherever found and with whomsoever it is found and permit the Advocate Commissioner to obtain police aid and to break open the premises.

For Applicant

: Ms.Meera Gnanasekar



Arbitration Application No.916 of 2025

ORDER

WEB COPY

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of an Advocate Commissioner to repossess the vehicle more fully described in the schedule to the judges summons from the respondent and handover the same to the applicant.

2. When this application came up for hearing on 15.07.2025, this Court passed the following order:

“This application has been filed under Section 9 of the Arbitration and Conciliation Act, seeking for the appointment of an Advocate Commissioner by this Court to repossess the vehicle, morefully described in the schedule to the judges summons from the respondent or wherever available.

2.The respondent is a defaulter in re-payment of the loan to the applicant. The respondent had availed loan for the purchase of vehicle. The applicant has already recalled the loan by issuing notice to the respondent. Under the loan agreement, the applicant is empowered to re-possess the vehicle from the respondent in case the respondent commits default. The applicant has expressed its difficulty in re-possessing the vehicle on their own. Only under the said circumstances, the applicant has filed this application



WEB COPY



Arbitration Application No.916 of 2025

seeking for appointment of an Advocate Commissioner by this Court. In the loan agreement, there exists an arbitration clause. The applicant has expressed its willingness to go for arbitration in accordance with the arbitration clause, contained in the contract. In the contract, which is the subject matter of this application, the respondent is in arrears of the payment of installments. The details of the amount due and payable by the respondent to the applicant under the loan contract, which is the subject matters of this application, are as follows:

Arb.Appln.No.	Agreement Date	Arrears of installments(Rs.)
916/2025	06.06.2024	4,18,948/-

3.Supporting documents have been filed by the applicant in support of this application. Since a prima facie case has been made out by the applicant for the appointment of an Advocate Commissioner, this Court is inclined to appoint an Advocate Commissioner. To enable the respondent to take back possession of the vehicle from the applicant, the respondent must be put on terms for getting back the vehicles from the applicant after repossession. In order to strike a balance, the following order is passed by this Court:

a)Ms.A.Kokila Mathupriya, Advocate, having office at No.81, Additional Law Chambers, High Court Campus, Chennai - 600 104 (Mob. Nos.99413 52638/80150 95642) is appointed as the Advocate Commissioner to re-posses the



WEB COPY



Arbitration Application No.916 of 2025

unconditionally; f) In case, the Advocate Commissioner requires Police assistance due to any law and order problem or due to any obstruction caused by the respondent or by any third party, while re-possessing the vehicle, the advocate commissioner is at liberty to seek police assistance from the concerned police station and the police department shall grant police protection accordingly. In case, break open of the premises, where the vehicle is located, is required, the Advocate Commissioner shall break open the premises in the presence of the police and take an inventory and thereafter re-posses the vehicle;

g) The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- and on receipt of the same, the advocate commissioner shall proceed to execute this order. All the boarding, lodging and travelling expenses for the Advocate Commissioners shall be borne by the applicant.

Notice to the respondent returnable by 19.08.2025.

Private Notice is also permitted.”

3. After the notice was sent to the respondent, part payment was made and hence, the Advocate Commissioner did not proceed further to seize the vehicle. When the matter came up for hearing on 16.02.2026, this Court passed the following order:

“Learned counsel for the applicant seeks for some more time to file memo of calculation regarding the amounts that are due and payable by the respondent.



WEB COPY



Arbitration Application No.916 of 2025

2. Time is extended for the Advocate Commissioner to execute the warrant of commission till 23.02.2026.

Post these applications on 23.02.2026.”

4. When the matter was taken up for hearing today, a status report was filed by the learned counsel for the applicant and the amount that is due and payable in this application is tabulated and extracted hereunder:

Arb.Appln. (Com.Div.) No.916/2025	920000082601/ TVA00945D PMOHAN	7,46,448	3,20,687
---	--	----------	----------

5. The respondent has not chosen to contest this application. Hence, this Court proceeds to pass final order in this application.

6. The respondent in this application is granted four(4) weeks time to settle the balance amount payable, as indicated supra. If the respondent does not make the payment within the time frame stipulated by this Court, in the place of Ms.A.Kokila Mathupriya, learned Advocate Commissioner, Mr.Sasidhar, Chief manager is appointed as Receiver to seize the subject vehicle from the respondent or wherever it is found and by breaking open the premises, if required with police assistance.



Arbitration Application No.916 of 2025

7. Before undertaking this exercise, the applicant shall issue a notice to the respondent in this application along with a copy of this order.

Accordingly, this application is disposed of in the above terms.

23.02.2026

mp



WEB COPY



Arbitration Application No.916 of 2025

N.ANAND VENKATESH, J.

mp

Arbitration Application No.916 of 2025

23.02.2026