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Arbitration Application Nos.913 to 915 of 2025
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 Nos.913 to 915 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 in all cases

Vs.

Mohan P.,
S/o.Purusothaman Respondent in all cases

PRAYER in Arb.Appln.No.913 of 2025 : 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.TN73BZ8282, Vehicle Engine No.926956D0169305 and Vehicle Chasis No.MEC841KBCRP161422 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.

PRAYER in Arb.Appln.No.914 of 2025 : 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 Ashok Leyland, UE2820 6x4 RMC – 3900 MM WB chassis fitted with ‘H’ Series (BS VI) diesel engine day cabin and 7’ Cum



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Transit Mixer 3 nos. 295/95D20 + #8 nos.295/5D20 bearing Vehicle Registration No.TN73AV7878, Vehicle Engine No.PKHZ410842 and vehicle Chassis No.MB1H3LHD0PRKH9446 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.

PRAYER in Arb.Appln.No.915 of 2025 : 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/Ashol Leyland UE2820 6x4 RMC – 3900 MM WB chassis fitted with ‘H’ Series (BS VI) diesel engine 1 day cabin and 7’ Cum Transit Mixer 3 nos. 295/95D20 + #8 nos.295/5D20 bearing Vehicle Registration No.TN73AV7676, Vehicle Engine No.PKHZ410843 and vehicle Chassis No.MB1H3LHDXP RKH9180 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
[in all applications]

COMMON ORDER

These applications have 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.



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2. When these applications came up for hearing on 15.07.2025, this

Court passed the following order:

“These applications have 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 vehicles, 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 vehicles. The applicant has already recalled the loan by issuing notice to the respondent. Under the respective loan agreements, the applicant is empowered to repossess the vehicles from the respondent in case the respondent commits default. The applicant has expressed its difficulty in re-possessing the vehicles on their own. Only under the said circumstances, the applicant has filed these applications seeking for appointment of an Advocate Commissioner by this Court. In the loan agreements, there exist an arbitration clause. The applicant has expressed its willingness to go for arbitration in accordance with the arbitration clause, contained in the respective contracts. In all the contracts, which are the subject matter of these applications, 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 contracts, which are the subject matters of these applications, are as



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follows:

Arb.Appln.Nos.	Agreements Date	Arrears of installments(Rs.)
913/2025	06.06.2024	4,18,468/-
914/2025	13.06.2023	1,80,533/-
915/2025	13.06.2024	1,83,694/-

3.Supporting documents have been filed by the applicant in support of these applications. 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 vehicles from the Advocate Commissioner, they must be put on terms for getting back the vehicles from the applicant after re-possession. In order to strike a balance, the following order is passed by this Court:

a) Ms.D.Hamrutha, Advocate, having office at No.261, 25 Towers, 2nd Floor, Angappa Naicken Street, Chennai - 600 001 (Mob. No.94443 45607) is appointed as the Advocate Commissioner to re-posses the vehicles, morefully described in the schedule to the Judges Summons from the respondent's premises or wherever available;

b)The Advocate Commissioner, after re-possessing the vehicles, shall handover interim custody of the same to the applicant, who shall keep it in their safe custody;

c)The Advocate Commissioner, immediately after re-possessing the subject vehicles, shall intimate the



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respondent either through Registered Post with Acknowledgment Due (RPAD) or by hand delivery through a written communication that the arrears of installments work out to Rs.4,18,468/-, Rs.1,80,533/- and Rs.1,83,694/- respectively;

d)The respondent, on payment of Rs.4,18,468/-, Rs.1,80,533/- and Rs.1,83,694/- respectively to the applicant within a period of three days from the date when the subject vehicles were re-possessed, is entitled for return of the seized vehicles. On receipt of the sum of Rs.4,18,468/-, Rs.1,80,533/- and Rs.1,83,694/- respectively within the stipulated time as stated supra, the applicant shall re-deliver the subject vehicles back to the respondent with proper acknowledgment and the advocate commissioner shall also render proper assistance for the same;

e)The applicant shall initiate arbitration in accordance with the arbitration agreement contained in the contract within a period of 90 days from today. In case, the applicant fails to initiate arbitration within the stipulated time, the order passed by this Court today shall stand automatically vacated and the re-possessed vehicles shall also be redelivered back to the respondent by the applicant 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 respondents or by any third party, while re-possessing the vehicles, the advocate commissioner



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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 vehicles are 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 vehicles;

g)The Advocate Commissioner shall be paid an initial remuneration of Rs.40,000/- 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 vehicles. 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.

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.”



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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 are due and payable by the respondent in these applications are tabulated and extracted hereunder:

Case No.	Contract No./ Party Name	Payment received after filing section 9 application	Overdue Amount as on 15th February, 2026
Arb.Appl. (Com.Div.) No.913/2025	920000082618/ TVA00946D P MOHAN	8,37,486	3,04,994
Arb.Appln. (Com.Div.) No.914/2025	TVA00775E P MOHAN	6,20,402	1,82,527
Arb.Appln. (Com.Div.) No.915/2025	TVA00773E P MOHAN	6,28,305	1,91,078

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

6. The respondent in each of these applications 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.D.Hamrutha, learned Advocate



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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.

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

All these applications are disposed of in the above terms.

23.02.2026

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