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Arb Appln No. 1531 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

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THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

Arb Appln No. 1531 of 2025

M/s.Cholamandalam Investment And Finance Co Ltd
Chola Crest, C 54 and 55, Super B-4,
Thiru Vi Ka Industrial Estate, Guindy, Chennai
Rep. by its Authorised Signatory

Applicant(s)

Vs

Santhoshkumar P

Respondent(s)

PRAYER : To appoint Advocate Commissioner 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 respondents men, agents servants from respondent premises wherever found with Police aid and break open of premises if necessary.

For Applicant(s): Mr.D.Pradeep Kumar

ORDER

When the matter came up for hearing on 20.11.2025, this Court passed the following order:

“This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 for appointment of an Advocate Commissioner to seize and take possession of the vehicle which is more fully described in the schedule to the judges summon, if necessary with police protection and by breaking open the premises.

2. Heard Mr.D.Pradeep Kumar, learned counsel for applicant and carefully perused the materials available on record.



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3. It is seen that an award has already been passed on 13.06.2024 directing the respondents to pay a sum of Rs.8,89,166/-. The specific case of the applicant is that till date, the award has not been challenged. The applicant is also not able to take possession of the vehicle. It is under these circumstances, the present application has been filed before this Court.

4. Considering the fact that an award has been passed and the applicant must be able to recover the amount from the respondents, this Court is inclined to appoint an Advocate Commissioner to seize the Vehicle. Accordingly, the following order is passed:- a) Mr.K.Sundaramoorthy, Advocate, having address for service at No.481, Part 2, Mayilai Balaji Nagar Pallikaranai, Chennai, 600 100, Mobile No. 88385 87127, is appointed as Advocate Commissioner to repossess the vehicle morefully described in the schedule to the Judges Summons viz., the vehicle from the respondent. b)The Advocate Commissioner is permitted to obtain the police aid whenever required and he is also permitted to break open the premises in case the vehicle is kept in a locked premises in the presence of the police after taking proper inventory; c) The Advocate Commissioner shall be paid an initial remuneration of Rs.25,000/- by the applicant, within a period of one week from the date of receipt of a copy of this order. All the boarding, lodging and travelling expenses for the Advocate Commissioner shall be borne by the applicant.

5. Notice to the respondents returnable by 17.12.2025. Private notice is also permitted.”

2.Private notice has been served on respondent and affidavit of service has also been filed. The names of respondent has also been printed in the cause



list. The respondent is neither present nor represented through counsel. Hence, the apprehension raised on the side of the applicant that the respondent is trying to secret the vehicle is *prima facie* established.

3. When the matter was taken up for hearing today, the Advocate Commissioner has submitted his report stating that the subject vehicle has been seized at Hosur and it has been handed over to the representative of the applicant.

4. The applicant is directed to pay additional remuneration of Rs.20,000/- to the Advocate Commissioner.

This application is disposed of in the above terms.

gya

05.01.2026



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N. ANAND VENKATESH, J.

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