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Arbitration Application No.1565 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-01-2026**

CORAM

**THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**

**Arb Appln No. 1565 of 2025**

Tata Capital Ltd  
by its Associate Legal Remedial  
R. Kamalakkannan,  
Having its Office at  
1<sup>st</sup> Floor, Centennial Square,  
6A , Dr Ambedkar Salai,  
Kodambakkam ,

Applicant

Vs

Shoban Kumar. S

Respondent

**PRAYER**

Application filed Under Or.XIV, Rule 8 of O.S.Rules, r/w.Sec.9(II)(b), (d) & (E) of Arbitration Act, 1996 to pass an order Appointing Mr.Kamalakannan employee currently designated as Legal Manager in the Applicant Company having office First Floor, Centennial Square, Dr.Ambedkar Salai, Kodambakkam, Chennai, Tamil Nadu 600 024 as Receiver to seize and deliver the asset JCB INDIA LTD CEQ 150NXT EXCAVATOR bearing Engine No.95460661 Chassis No.PUNJD15ALR327476, Reg.No. NA situated at 82 35 Muthukaruppa Pillai Lane, South Veli Street, Landmark Medical Madurai, Madurai Tamil Nadu 625 001. .or wherever it is found morefully described hereunder with police aid or break open the premises from wherever found and handover the same to the Applicant.



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For Applicant : Mr. N.K. Vanan

For Respondent :  
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### **ORDER**

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] for appointment of a receiver to seize and deliver the Excavator to the applicant, if required, with police aid.

2. The applicant extended financial facilities to the respondent. Since the respondent committed default, a recall notice dated 05.09.2024 was issued and in spite of receipt of the same, there was no response from respondent. It is under these circumstances, the present petition came to be filed before this Court.

3. When the application came up for hearing on 28.11.2025, this Court issued notice to respondent.

4. Private notice has been served on the respondent and affidavit of service has also been filed. The name of respondent has also been printed



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in the cause list. However, 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 Excavator is *prima facie* established.

5. In view of the above, R.Kamalakkannan, Legal Manager is appointed as the Court receiver and the Court receiver is permitted to seize the Excavator from the respondent or wherever it is found and by breaking open the premises, if required with police assistance.

This application stands disposed of in the above terms.

**05.01.2026**

msr



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**N.ANAND VENKATESH, J.**

msr

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**05.01.2026**