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Arbitration Application No.1579 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. 1579 of 2025

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

Applicant

Vs

Murali Kutty

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 seeking to pass an order Appointing Mr.Kamalakkannan currently designated as Associate Legal Remedial, in the Applicant company having his office First Floor, Centennial Square, Dr.Ambedkar Salai, Kodambakkam, ChennaiTamil Nadu 600 024 as Receiver to seize and deliver the Asset TATA EX 215LCQ EXCAVATOR MAKE TATA HITACHI CONSTRUCTION MACHINERY COMPANY PVT LTD CEQ bearing Engine No.42D95463124 Chassis No.SP2240074 situated at No.4 39 Mankalaikotta, V Muthampatti, Veppilaimuthempatti, Near Temple, Dharmapuri 635 301 Tamil Nadu. 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 :

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 04.06.2025 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 25.11.2025, this Court issued notice to respondent.

4. Private notice sent to the respondent has been served on the



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respondent and affidavit of service has also been filed to that effect. The name of respondent has also been printed 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 vehicle is *prima facie* established.

5. In view of the above, Mr.Kamalakannan, Associate Legal Remedial is appointed as the Court receiver and the Court receiver is permitted to seize the vehicle 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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