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Arbitration Application No.1588 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. 1588 of 2025

1. Tata Capital Ltd
6A , Dr Ambedkar Salai,
Kodambakkam ,

Applicant

Vs

Karpukkarasi M
14 25 Puthunagaram
Sankaramanallur, Komaralingam,
Tirupur, Landmark - itself,
Coimbatore 642 204, Tamil Nadu.

Responden

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 R.Kamalakkannan, employed as employee currently designated as Associate Legal remedial in the Applicant company having his office at First Floor, Centennil Square Dr.Ambedkar Salai, Kodambakkam, Chennai, Tamil Nadu 600 024 as Receiver to seize and deliver the asset MODEL TATA HITACHI ZX140 make TATA HITACHI CONSTRUCTION MACHINERY COMPANY PVT LTD CEQ bearing Engine No.THEDA0L0J00002337 Chassis No.THEDAA060J00002337, situated 14 25 Puthunagaram Sankaramanallur, Komaralingam, Tirupur, Landmark - itself, Coimbatore 642 204, Tamil Nadu.. .or wherever it is found morefully described hereunder, with police aid or break open the



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premises from wherever found and handover the same to the applicant

For Applicant : Mr. N.K. Vanan

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 Construction Equipment to the applicant, if required, with police aid.

2. The applicant extended financial facilities to the respondents. Since the respondents committed default, a recall notice dated 04.07.2024 was issued and in spite of receipt of the same, there was no response from respondents. It is under these circumstances, the present petition came to be filed before this Court.

3. When the application came up for hearing on 26.11.2025, 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 in the cause list. However, the respondent is neither present nor



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represented through counsel. Hence, the apprehension raised on the side of the applicant that the respondent is trying to secret the Construction Equipment is *prima facie* established.

5. In view of the above, R.Kamalakkannan, Associate Legal remedial is appointed as the Court receiver and the Court receiver is permitted to seize the Construction Equipment 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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