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Arbitration Application No.1612 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. 1612 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

S. Sunil

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.Athin Roy , employed as employee currently designated as Legal Officer in the Applicant company having his office at 1st Floor, Puthuran Plaza, KPCC Junction M G Road, Cochin Kerala 682 011 as Receiver to seize and deliver the asset Excavator HD HYUNDAI CONSTRUCTION EQUIPMENT INDIA PVT LTD CEQ R 140LC 7 bearing Engine No. HYNDQ406EE0003042 ChassisNo.HYNDQ406EE0003042 Reg.No.NA situated Kanaka Nivas Pallana, Thrikkunnappuzha , Alapuzha Pallana Kerala 690 515, .or wherever it is found morefully described hereunder, with police aid or break open the premises from wherever found and



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handover the same to the applicant

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 Vehicle 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 16.11.2024 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.



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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 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.Athin Roy, Legal Officer 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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