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Arbitration Application No.1636 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2026

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Application No.1636 of 2025

SURYODAY SMALL FINANCE BANK
LIMITED, REPRESENTED BY ITS
AUTHORISED SIGNATORY

Mr.R. Arumugabharathi

S/o.Mr.A.Rajendiran,

New No.55, Old No.27, 1st Floor,

Vijayaraghava Road, T.Nagar,

Chennai 600 017.

Vs.

.... Applicant

1. Manikandan M.

2. Petchiyammal

Respondents

Arbitration Application under Order XIV Rule 8 of Original Side Rules r/w Section 9 (ii) (d) & (e) of the Arbitration and Conciliation Act, 1996, praying to grant an order appointing KaBirial Packiaraj, Employee code No.34611, currently designated as Legal Manager of Suryoday Small Finance Limited having his office at No.1/1, Rajarajeswari Nagar, Palayamkotai, Tirunelveli 627 001 as Receiver to visit the respondent premises, other areas which is occupied by the respondent and any other premises of the respondent along with local police protection to break open if necessary and to seize and take custody of the vehicle hypothecated with applicant being Good Carrier MGV bearing Model 1212 LPT DCR49HSD 125B6M5 with all accessories fitted to the asset



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specifically described in the schedule to the Judges Summons and hand them over to the applicant pending final adjudication of the disputes between parties through arbitration.

For Applicant : Mr. R. Ashok Kumar

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 Goods Carrier Vehicle 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 21.07.2025 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 03.12.2025 this Court issued notice to respondents.

4. Private notice sent to the respondents to the known address has been returned with an endorsement 'refused' and affidavit of service has



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also been filed to that effect. Hence service on the respondents is deemed to be sufficient. The names 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 respondents are trying to secret the goods is *prima facie* established.

5. In view of the above, KaBirial Packiaraj, Legal Manager is appointed as the Court receiver and the Court receiver is permitted to seize the Vehicle from the respondents 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.

12.01.2026

msr

N.ANAND VENKATESH, J.

msr



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