



Arb. Appln. No.1739 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

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M/s.Mercedes-Benz Financial Services India Pvt. Ltd.
5th Floor, Plot 8, Baashyam Willow Square 9 & 10
First Street, Thiru Vi ka Industrial Estate
Guindy, Chennai - 600 032
Rep. by its Authorised Signatory

.. Applicant

Vs.

M/s.Baheri Stone Crusher Baheri
Rep. by its Partner
Village Biriya Baheri, Taj Stone Crusher
Baheri, Bareilly, Uttar Pradesh 243 202

.. Respondent

Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9 (1) (ii) (a) (b) (d) & (e) of the Arbitration and Conciliation Act, 1996, praying to appoint the Advocate Commissioner to seize and take possession of the vehicles which is morefully described in the schedule to the Judges Summons which is lying in the custody of respondent or respondent's men, agents, servants from respondent premises or wherever found with police aid and break open of premises, if necessary.

For Applicant : Mr.D.Pradeep Kumar



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ORDER

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When the matter came up for hearing on 05.01.2026, this Court passed the following order:

“This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 (in short “the Act”), seeking for appointment of an Advocate Commissioner to seize the vehicles in possession of the respondent, if required, with police aid.

2.Heard the learned counsel for the applicant and carefully perused the materials available on record.

3.It is seen that an award has already been passed on 22.11.2021 directing the respondent to pay a sum of Rs.48,09,343.56/- along with interest. The specific case of the applicant is that till date, the award has not been challenged. The applicant is also not able to take possession of the vehicles. It is under these circumstances, the present application has been filed before this Court.

4.Considering the fact that an award has been passed and the applicant must be able to recover the amount from the respondent, this Court is inclined to appoint a receiver.

5.Accordingly, Mr.Devesh Dixit, Manager, is appointed as the receiver and the 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.

6.Notice to the respondent returnable by 16.02.2026. Private notice is also permitted.

List this application on 16.02.2026.”

2. Private notice sent to the respondent has been returned with an endorsement “No such person” and affidavit of service has also been filed. As the notice has been sent to the address given in the agreement, there is a deemed



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service on the respondent. Hence, the apprehension raised on the side of the applicant that the respondent is trying to secret the vehicle is *prima facie* established.

3. Learned counsel for applicant submitted that the subject vehicle is yet to be seized.

4. In view of the aforesaid submission, the order passed by this Court on 05.01.2026 is made absolute.

Accordingly, this application is disposed of.

16.02.2026

Index: Yes/No
Speaking Order/Non-speaking Order
NCC: Yes/No
gm



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N.ANAND VENKATESH, J

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