

STATE OF KERALA

**IN THE COURT OF THE JUDGE, COMMERCIAL COURT-II
(ADDITIONAL SUB JUDGE-II), ERNAKULAM**

Present:

Smt. Reshma Sasidharan, Commercial Court II (Additional Sub Judge - II)

Monday, the 2nd day of June, 2025/ 12th Jyeshtha, 1947

I.A.No.3/2025 in MA (Arb)No. 173/2025

Petitioner:- YES Bank Limited, Registered Office at YES Bank House,
Off Western Express Highway, Santacruz - East,
Mumbai-400 055, Mumbai, Maharashtra, having branch
office at First Floor, Puthuran Plaza Northern Side,
KPCC Junction M G Road Kochi-682 011 represented by
its Legal Manager and Power of attorney Holder,
Mr. Sarath Sasidharan, aged 28 years,
S/o. V.N Sasidharan, Legal Manager, Yes bank Ltd,
Puthuran Plaza, M G Road, Ernakulam-682 011.

By Advs. Renjith V & Ranjini R

Respondents:- 1 Mr. Dhanesh Sasi, S/o. Perikkattil Koran Sasi,
aged 39 years, Perikkattil Aiswarya Nagar, Athani P.O.,
Nedumbassery, Aluva, Ernakulam-683 585
2 Mrs. Arundhathi Sasi, F/o. Velayudhan, aged 71 years,
Perikkattil, Near KAPL, Athani P.O., Chengamanadu,
Ernakulam-683 585.

No Appearance.

This Petition is filed under Section 9 of the Arbitration and
conciliation Act, 1996 R/w Section 151 and Order 26 Rule 9 of the Code of
Civil Procedure.

This petition is coming on for hearing before me on 02.06.2025 and the Court on the same day delivered the following:

ORDER

Heard the counsel appearing for the petitioner and perused the affidavit and records. I am satisfied that for securing the amount in dispute in the arbitration, the detention of vehicle bearing Reg.No. KL-41-R-7551 as contended by the petitioner is necessary. I am also satisfied that if the application for detention of the same by appointing an advocate commissioner as prayed for is not allowed it will defeat the purpose of the application. Hence I am satisfied that it would be just and convenient to appoint an advocate commissioner for seizing the vehicle. Accordingly, Adv. Joseph Francis is appointed as Advocate Commissioner. Pay ₹6,500/- (Rupees six thousand five hundred only) as commission batta directly to the advocate commissioner and produce voucher before this court. The Advocate Commissioner is directed to hand over the possession of the said vehicle to the petitioner herein. The petitioner shall deal with the vehicle only in accordance with the order of the arbitral tribunal. The petitioner shall file an undertaking that the vehicle would be produced before the court as and when directed.

2. The Advocate Commissioner mentioned above is entitled to seek the assistance of Station House Officer of the concerned Police Station in the case of any threat in executing the above order of this court and necessary assistance shall be given by the concerned Station House Officer if requested for by the Advocate Commissioner.

3. Issue notice to the respondents. The petitioner shall deliver the respondents or send to them by registered post immediately, a copy of

the application for interim order together with a copy of affidavit filed in support of the application, copies of documents on which the applicant relies and is directed to file an affidavit as contemplated under Rule 5 A (1) (a) & (b) of Kerala Arbitration and Conciliation Act (For amendment) Rules 2017 showing the compliance of the same, immediately.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me, in the open court on this 02nd day of June, 2025.

Sd/-
Reshma Sasidharan
Judge, Commercial Court II
Additional Sub Judge – II

APPENDIX: Nil

Id/-
Judge, Commercial Court II
Additional Sub Judge – II

Typed by :Laj:
Comp.by:Smg:

ORDER
in I.A.3/2025 in
MA (Arb) No.173/2025
Dated: 02.06.2025