

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE-IV,
THALASSERY**

Present:- Sri. Vimal. J, Additional District Judge-IV,

Saturday the 28th day of March, 2026/ 07th Chaithra 1948

O.P (Arbitration) No. 563/2025

Cholamandalam Investment & Fi Date Co. Ltd. its Power of Attorney Holder Rep by its VI-KA, Industrial Estate, Guindy, Chennai-600032. Chola crest, C54-55, Super B4, THI aged 44 years, S/o Govindan.C. Manager(Cholamandalam Investment & Pins (Legal), J & D Tower, Opp. Armani Auditorium South Bazar Kakkad Road, Kannur. 670002]Petitioner

Vs.

Abdul Sathar. A. P, aged 47 years, S/o. Ibrahim, The Proprietor,]Thennam Builders, Karippal. P.O, Kannur 670 581, Vellora]Respondent
amsom, Karippal desom.

Petition filed Under Section 9 (ii)of the Arbitration and Conciliation Act 1996.

This petition coming on this day for hearing before me in the presence of Sri. Shivaji. D, Advocate for Petitioner; court passed the following.

ORDER

This is an application filed under section 9 of the Arbitration and Conciliation Act contending that the petitioner company intends to initiate arbitration proceedings on account of the failure of the respondent to pay the loan amount.

2. The respondent has availed a loan for the purchase of a vehicle. The respondent has defaulted the payment of loan installments and therefore the petitioner company intends to initiate arbitration proceedings. In the meanwhile as per order in IA No.2/2025 an advocate commissioner was appointed for the repossession of the hypothecated vehicle. The advocate commissioner has filed a report stating that the vehicle has been repossessed and handed over to the

petitioner company. The notice was served on the respondent. However, there is no representation for the respondent. In such circumstances, no purpose would be served in keeping the OP pending. The same can be disposed of with a direction to initiate arbitration proceedings within a time limit.

3. On perusal of the averments in the petition and the account statements and documents produced along with the petition, I am satisfied that a prima facie case is made out. Therefore a direction can be issued to the petitioner to initiate arbitration proceedings. The existence of arbitration clause is not in dispute. In such case this OP is disposed as follows:

- 1. The petitioner company shall be initiate arbitration proceedings within 3 months of date of this order.*
- 2. The vehicle repossessed shall be dealt as per the orders of the Arbitrator or as per the terms of the loan agreement.*
- 3. In case the petitioner company fails to appoint Arbitrator within time stipulated, the vehicle shall be released back to the respondent and respondent is entitled to take legal steps to get back the vehicle.*

With the above observations the above OP is disposed.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me, in open court, on this the 28th day of March, 2026.)

sd/-

ADDITIONAL DISTRICT JUDGE-IV

sk/-

Fair/Copy of Order in
O.P(Arb) No.563/2025
dated 28-03-2026