

IN THE COURT OF THE DISTRICT JUDGE, KALPETTA, WAYANAD
Present : Sri.Ayyoobkhan E., District Judge, Kalpetta

Tuesday, This the 31st day of March, 2026
10th day of Chaithra, 1948

INTERLOCUTORY APPLICATION No.02/2025
Miscellaneous Application (Arbitration) No. 09/2025

M/s. Sundaram Finance Limited, Registered office at
No.21, Pattullos Road, Chennai-600 002,
Represented by its authorized Officer, Krishna Prasad,
Assistant Manager (Legal), Aged 29 years,
S/o.C P Prasad, Sundaram Finance Ltd, BMT
Trade Centre, 2nd Floor, Puthiyara, Kozhikode-673 005.

Petitioner

Vs.

1. P. Ajnas, Aged 33 years, S/o.P. Nasar,
Palliyal House, Tharuvana Post and Village,
Mananthavady Taluk, Wayanad-670 645.
2. Asliya, Aged 27 years, W/o.Ajnas, Nangarath House,
Korome, Thondernadu Post and Village,
Mananthavady Taluk, Wayanad District-670 731.

Respondents

This Interlocutory Application is coming on this day, for hearing before me in the presence of Smt. Prasanna N.V., Advocate for the petitioner and upon perusing the petition, the court passed the following:

ORDER

Petition is filed under Order XXVI Rule 9, 10 and 94 of Code of Civil Procedure r/w Sec 151 of Code of Civil Procedure and under Section 17(2) of the Arbitration and Conciliation Act, 1996 for appointing an Advocate Commissioner.

2. Petition is filed for the deputation of an Advocate Commissioner to possess the vehicle bearing registration No. KL-61E-4701 shown in petition schedule.

3. The counsel is heard. The petition and the documents have been perused. Notice to the respondent is dispensed with. This court is satisfied that petitioner has established a prima facie case. If the prayer is not granted, there is every chance of irreparable injury, loss and damage being caused to the petitioner and balance of convenience is also found in favour of the petitioner. Here, the appointed Arbitrator is not sole arbitrator, on the other hand, it is an institutional one and thereby it is put to my notice that to appoint an advocate commissioner to take the possession of vehicle alleged in the petition is not bad in law. Hence it is accepted the contention of the petition, and thereby Kader Minhaj is appointed as an advocate commissioner and to pay batta of ₹6,000/- by the petitioner.

For the aforesaid reasons, petition is allowed as follows:

1. **Advocate Kader Minhaj** is appointed as Advocate Commissioner. Pay ₹6,000/- (Rupees Six Thousand only) as commission batta directly to the Advocate Commissioner and he shall produce the voucher before this court.
2. The above said Advocate Commissioner is directed to repossess the petition schedule vehicle bearing No. KL-61E-4701 more specifically described in the schedule of the petition and deliver the same to the petitioner with proper katchet, for keeping the same in safe custody.
3. Advocate Commissioner shall prepare an inventory report of the said vehicle and shall submit the same before the court.
4. The Advocate Commissioner is entitled to seek the assistance of Station House Officer, Vellamunda Police Station in case of any obstruction or threat for the execution of the above order of this court and in this event the necessary assistance shall be given by the Station House Officer, if requested for by the Advocate Commissioner.
5. Advocate commissioner is hereby directed to hand over possession of the vehicle seized to the petitioner, after conducting physical inspection.

Details of the vehicle such as Insurance Certificate and Registration Certificate particulars and its physical condition also shall be reported.

The Advocate Commissioner shall file the report on or before 04.06.2026

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open Court, this the 31st day of March, 2026)

DISTRICT JUDGE

Appendix : Nil.

DISTRICT JUDGE