

OMP (I) (COMM.) No. 381/2026
TATA CAPITAL LTD. Vs. BAJRANG

24.03.2026

Present: Sh. Tanishq Jain and Ms. Jyoti, Counsels for the
Petitioner.

1. Hard copy of the petition and documents has been
filed.

I.A. No. 01/2026

2. Arguments heard on the application U/s 9 of A&C
Act r/w Section 151 of CPC seeking *ex-parte* interim relief for
appointment of the receiver.

3. As per averments made in the petition, respondent
applied for loan to purchase a Vehicle make '**TATA SIGNA 5523
BG AC HCV_CV**' bearing Registration No. **RJ07GD1029**, having
**Engine No. 91F63795362 and Chassis No.
MAT704146KAF12441**. The petitioner acceded to the request
made by respondent and sanctioned/disbursed a loan of
Rs.23,74,275/- to the respondent vide a written Loan
Agreement/Hypothecation Agreement bearing No.
TCFCV0223000013147044 dated **24.08.2024**. The loan was to be
repaid in **47 EMIs** of **Rs. 69,592/-** but the respondent paid only **13
EMIs** and defaulted in payment of **05 EMIs**, besides **29** future
EMI, as on 09.03.2026, and thus, the petitioner issued loan recall
notice dated **10.02.2026**. The respondent failed to clear the
outstanding installments despite receiving the loan recall notice.
The petitioner has yet to initiate the Arbitration proceedings. It is

the apprehension of the petitioner that the respondent may sell/transfer the possession of vehicle to third person unauthorizedly and hence prays for appointment of **Sh. Shashank Sharma**, representative of the petitioner to seize the hypothecated vehicle and also to restrain the respondent from selling, alienating, transferring and/or disposing off/handing over possession of hypothecated vehicle to any other person.

4. In view of the fact that respondent may conceal or dispose off the vehicle in question, I deem it appropriate and take it as a fit case where the receiver is to be appointed at this stage for taking possession of the vehicle in question. Accordingly, petitioner company is permitted to take into possession the Vehicle make '**TATA SIGNA 5523 BG AC HCV_CV**' bearing Registration No. **RJ07GD1029**, having Engine No. **91F63795362** and Chassis No. **MAT704146KAF12441** from the possession of the respondent and **Sh. Shashank Sharma**, representative of the petitioner is hereby appointed as receiver and is authorized to seize the above mentioned vehicle and take its custody wheresoever and in whomsoever possession it is found till further orders, **between 8.00 am to 6.00 pm**, subject to the following conditions:-

(a) the receiver shall deliver a copy of this order to the person from whom the possession is taken at the time of taking the custody of the vehicle. The vehicle in question shall not be sold or disposed of nor its possession will be transferred/ parted with by the receiver without due permission of the Court.

(b) the receiver shall take over the possession of the vehicle from respondent(s) at the address(es) given in the loan application. If the vehicle is not available at said address(es), the receiver shall be at liberty to recover the vehicle wherever found.

The receiver shall, however, not stop a running vehicle on the road to forcibly take out the driver to take the possession of the vehicle. The receiver shall also not make any attempt to block a passage of a car to bring it to a halt to take its possession.

(c) At the time of taking custody of the vehicle, the receiver shall get the recovery proceeding of vehicle videographed. He shall also take the photograph of the speedometer/get it videographed clearly displaying the kilometers covered by the said car.

(d) An inventory in respect of attachments in the vehicle shall be made by the receiver and copy of the same shall be given to the person from whose possession the vehicle is repossessed and shall be filed in the court by the receiver alongwith his report.

(e) The receiver shall ensure that repossession of vehicle does not result in any breach of peace. In the event of any breach of peace, the receiver shall not proceed further without taking assistance of the police.

(f) The receiver shall avoid taking the possession of the vehicle if the vehicle is occupied by a woman who is not accompanied by a male member or an elderly above the age of 60 years, infirm or physically/mentally challenged person. In such cases, the receiver shall take the possession of the vehicle from the borrower's residence.

(g) In case respondent(s) pays to the receiver all the outstanding EMIs which have accrued till date, receiver shall not take possession of the vehicle. If the respondent(s) makes payment of outstanding installments as on the date of

repossession, the receiver shall release the vehicle in question to respondent(s) on superdari subject to undertaking by respondent(s) to the receiver for regular repayment of future monthly installments till the expiry of tenure and a declaration not to part with the vehicle or to create third party interest therein until entire amount is repaid.

(h) After taking the vehicle in possession, the receiver shall keep the vehicle in safe custody.

(i) If the respondent(s) is/are not in position to clear entire outstanding installments, the receiver shall give him another opportunity to pay the outstanding installment within 30 days of taking over the possession of the vehicle and in case the respondent(s) makes the payment of outstanding installments within said period, the receiver shall release the vehicle to respondent(s) subject to undertaking as mentioned in clause (g).

(j) The receiver shall inform respondent(s) of option of resolving the dispute amicably through settlement before mediation cell, Tis Hazari Court, Delhi.

(k) He shall also get the survey of the said vehicle done from a Government approved surveyor regarding its condition and value by next day of taking the possession.

5. The receiver shall be at liberty to take the assistance of the local police, if required, for the repossession of the vehicle. The concerned SHO is directed to provide police assistance to the receiver as and when requested. The receiver is directed to file his report within 14 days of taking the vehicle in custody.

6. It is made clear that this order of appointing *ex-parte* receiver is to be implemented only after furnishing the complete particulars i.e. designation, residential address, employee code and mobile number of the receiver on record.

7. It is also warned to the receiver that he shall be personally liable in case of violation of any of the above conditions.

8. Since, at the specific request of the petitioner, its representative is appointed as receiver so an obligation is also put upon the petitioner to ensure that its representative appointed by the court as receiver must comply with above terms and conditions otherwise the appointment order of the receiver shall be cancelled or shall not be extended or the seized vehicle can ordered to be returned to the respondent unconditionally without any payment.

Application U/s 9 of the Arbitration & Conciliation Act r/w Section 151 of CPC is disposed off accordingly.

9. It is also made clear to the petitioner that this is an interim measure and the order of appointment of receiver shall remain in force only till next date of hearing unless again extended.

10. If the vehicle could not be seized by the next date of hearing then this interim order may not be extended further so the receiver must take the sincere efforts for tracing out and seizing of the vehicle.

11. Copy of this order be given *dasti* to the AR/counsel for the petitioner for handing over the same to the receiver.

12. Issue notice of this petition to the respondent on filing of PF through concerned Ld. District Judge, Bikaner, Rajasthan and through Speed Post, Courier, approved electronic

modes as well as through *dasti* service by the receiver/Field Officer of petitioner company.

13. As prayed, the sealed covers containing the notices and complete paper book of the case be handed over *dasti* to the petitioner/counsel for putting the same in the postal transmission. The original postal receipts along with the downloaded track report from the website of India Post along with a certificate under Section 63 of Bharatiya Sakshya Adhiniyam, 2023 be placed on record by the petitioner/counsel on the next date. In case the Petitioner have any e-mail, fax ID or mobile number (having WhatsApp/Gims/Sandes application) or any other electronic address of the respondent, the particulars of the same be filed/furnished in court by the petitioner vide an affidavit in accordance with Rule 12 of the Delhi Court Services of Process by courier, FAX and Electronic Mail Service (Civil Proceedings) Rule, 2010.

14. If such an affidavit, verifying the correctness of the electronic addresses of respondent, is furnished, the process be sent through electronic mode as well as through the Nazarat Branch enclosing an electronic copy of the petition and documents which will be furnished by the petitioner. The petitioner is also at liberty to serve the respondent through aforesaid electronic modes and affidavit of service proof be filed on the next date of hearing.

15. In terms of Rule 13, petitioner is directed to place on record a copy of the petition and documents in electronic format/scanned images in compliance of Rule 13 for forwarding/annexing/attaching the same with the process.

16. Requisite process fee for sending process by electronic mode in compliance of Rule 14 be also filed along with

the copies as above for onward transmission to Nazarat Branch, for service through electronic mode.

17. Steps be taken within seven days. Ahlmad shall issue the notice within two days of receipt of process and if petitioner fails to take the steps within seven days, on deposit of a cost of Rs.5,000/- with DLSA, Central District, process be issued if the step is taken at least seven days before the next date of hearing failing which the petitioner shall be dismissed for non-prosecution.

18. The respondent to file the reply, as per law and not beyond 30 days from the date of service.

19. **As prayed, be put up for report of service/filing of reply, if any/receiver report on 21.04.2026.**

(Devendra Kumar Sharma)
District Judge (Commercial Court-03)
Central/ THC/ Delhi.
24.03.2026