11.02.2026

Present: Sh. Anish Bhola, Counsel for the Petitioner.
None for the Respondent.

1. Matter is today fixed for service report/ filing of reply, if any.

2. Hard copy of original postal receipt alongwith tracking report has been filed. As per tracking report, the respondent has not been served as the article is reported to be returned to sender-Addressee left without instructions.

3. It is stated that respondent has been served through electronic modes. It is further stated that the affidavit of service proof will be filed on or before the next date of hearing.

4. As per report received on ordinary process, the summons sent to the respondent through whatsapp found double tick and the email sent did not bounce back.

5. Arguments heard on the application U/s 9 of A & C Act seeking *ex-parte* interim relief for appointment of the receiver.

6. As per averments made in the petition, respondent applied for loan to purchase a vehicle Chassis/Body make **'GLANZA 1.2 E P MT' bearing Registration No. UP16EA6263 and having Engine No. K12NP4368276 &Chassis No MBHJWC13SPK603911**. The petitioner acceded to the request made by respondent and sanctioned/disbursed a loan of **Rs.6,28,834/-** to the respondent vide a written Loan Agreement/Hypothecation Agreement bearing No. **146804520** dated 10.11.2023. The loan was to be repaid in **60 EMIs** of

Rs.13,217/- but the respondent paid only **21 EMIs** and defaulted in payment of **5 EMI,** besides 34 future EMIs, as on 09.01.2026. The petitioner issued loan recall notice dated **27.12.2025**, however, the respondent failed to clear the outstanding dues despite receiving the loan recall notice. The petitioner is yet to invoke Arbitration Clause. 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. Akash Tyagi**, 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.

7. In view of the fact that despite service of notice, outstanding dues have not been cleared by the respondent and considering 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 bank is permitted to take into possession the vehicle Chassis/Body make **'GLANZA 1.2 E P MT' bearing Registration No. UP16EA6263 and having Engine No. K12NP4368276 &Chassis No MBHJWC13SPK603911** from the possession of the respondent and **Sh. Akash Tyagi,** 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 hault to take its possession.

(c) At the time of taking custody of the vehicle, the receiver shall got 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.

8. 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.

9. 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.

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

11. 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 is disposed off accordingly.**

12. 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.

Devendra Kumar Sharma Digitally signed by Devendra Kumar Sharma Date: 2026.02.11 16:26:22 +0530

13. 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.

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

15. The respondent to file the reply, as per law.

16. **As prayed, be put up for report of filing of reply, if any/receiver report on 18.03.2026.**

(Devendra Kumar Sharma)
District Judge (Commercial Court-03)
Central/ THC/ Delhi.
11.02.2026

Devendra Kumar Sharma

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