

12 OMP (I)(COMM.) 1821/26

Ms Kotak Mahindra Bank Limited Vs. Ravindra Kumar

22.05.2026

Fresh petition received by way of assignment. It be checked and registered.

Present : Sh. Sumit Kumar, Ld. Counsel for the petitioner through V.C.

1. Petitioner has moved the present application under Section 9 of Arbitration & Conciliation Act for seeking an ex-parte order directing the appointment of a receiver to take possession of the vehicle in question. As per the averments of the petition, respondent approached the petitioner for financial assistance for purchasing of a vehicle i.e. **CB_MAHINDRA_BOLERO_MAXXHD_PICKUP bearing registration no. UP14QT7301, Engine No. TTR4K29768 & Chasis No. MA1RE2TTKR6K22156.** At the request of the respondent/s, petitioner granted a loan of **Rs. 9,19,450/-** vide written loan cum hypothecation Cum Guarantee Agreement bearing No. **LCV3212784.** The respondent/s agreed to repay the loan in **59** equated monthly installments of **Rs. 21,046/-** each. The respondent has paid only **13 EMI.** The unpaid EMI as on date is **3.** Total outstanding against respondent/s is **Rs. 7,93,326.26/-.** Petitioner has already sent a loan recall notice dt. **25.04.2026** to the respondent/s and the arbitration proceedings are in process and will be initiated within this District Court. Petitioner however has apprehension that respondent/s may sell the financed vehicle.

2. After going through the petition, the Court is of the considered opinion that a *prima facie* case for grant of an order for *ad-interim* custody of the vehicle make

CB_MAHINDRA_BOLERO_MAXXHD_PICKUP bearing registration no. **UP14QT7301**, Engine No. **TTR4K29768** & Chasis No. **MA1RE2TTKR6K22156** by the petitioner is made out. Delaying or postponing the grant of interim protection is likely to defeat the object of filing the petition, in view of the same, **Mr. Suresh Dhoundiyal**, the Representative of petitioner company is appointed as Receiver in this case to take the custody of vehicle **CB_MAHINDRA_BOLERO_MAXXHD_PICKUP** bearing registration no. **UP14QT7301**, Engine No. **TTR4K29768** & Chasis No. **MA1RE2TTKR6K22156** from the respondent/s or their agent.

3. The following directions are accordingly issued for the Receiver:

- 1 An inventory in respect of the attachments in the vehicle shall be made by the Receiver and copy of the same be given to the person/owner from whose possession the vehicle is possessed and the petitioner shall file same in Court along with the report of the Receiver.
- 2 The condition of vehicle shall be noted and the Receiver shall take photograph of the repossessed vehicle from all sides and also photographs showing details of Engine number and chassis number, and shall ensure that vehicle is kept in the same condition in which it was repossessed.
- 3 An appropriate receipt shall be given to the person from whose custody the vehicle is taken. The vehicle in question shall not be sold or dispossessed of or parted with without the permission of the Court.
- 4 In case the respondent clears all the due installments, the vehicle will not be repossessed and if repossessed, the vehicle is to be released within three days of receipt of due installments.
- 5 An affidavit indicating repossession of vehicle be filed within 3 days of its repossession along with its

photographs & inventory.

- 6 The Receiver shall take the police aid, if required. The concerned SHO of the area where the vehicle is found shall render all possible assistance to the Receiver for taking possession of the vehicle.
- 7 It is stated by AR of petitioner that the arbitration proceedings shall be initiated within 4 weeks. Be initiated as per the contract.
- 8 The receiver shall, in his affidavit, after possession of vehicle, shall state that address/ location and photograph (GPS enabled photograph of the Location showing the vehicle) to the court.

4. Since the order is being passed *ex-parte*, the copy of order be served on the respondent by petitioner at the time of repossessing the vehicle.

5. Issue notice of the petition to the respondent/s on filing of PF/Speed post charges. Steps be taken within 4 working days.

6. The respondent be informed to file a reply within a period of 30 days from the date of receipt of notice with an advance copy to plaintiff.

7. Service through the ordinary mode be effected through Ld. District Judge, District Ghaziabad, Uttar Pradesh.

8. Put up for report and consideration on **23.07.2026**. *Copy of order be given dasti.*

(Dr. Ajay Gulati)
District Judge (Commercial)-04
South-West/Dwarka/Delhi
22.05.2026