

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR No. 6453 of 2014

Date of decision:- 11.5.2015

Mahindra @ Mahindra Financial Services Ltd

Petitioner

vs.

Pawan Kumar

Respondent

Present: Mr. Nitin Thatai, Advocate.
None for respondent.

M.M.S.BEDI,J.

The main grievance of the petitioner- financial company is that an application filed u/s 9 of the Arbitration and Conciliation Act (for short 'the Act') by it for interim relief is not being decided despite the fact the same is pending since July, 2014.

Counsel for the petitioner has inter alia argued that in a large number of cases, pending before the trial court , the financial companies have adopted legal procedure for re-possessing moveable assets i.e. vehicles but neither any interim order is passed nor any relief is granted by the trial court.

Without entering into the general allegations, raised by counsel for the petitioner, I am of the considered opinion that when a statutory right has been availed by the petitioner, it is required of the trial court to consider the application u/s 9 of the Act in accordance with procedure of law and pass a final order. In case the respondent despite service failed to appear before the court, it is always open to the civil court to pass any appropriate order on merits.

Without expression of any opinion on merits of the application

filed by the petitioner u/s 9 of the Act, this petition is disposed of with a direction to the trial court to finally dispose of the application u/s 9 of the Act, filed by the petitioner in July, 2014 within a period of two months, in accordance with law, after receipt of a certified copy of the order.

Counsel for the petitioner submits that general directions be issued to all the courts to dispose of application filed u/s 9 of the Act expeditiously. No general directions can be issued to the trial courts in this petition. It will be open to the petitioner- financial company to avail remedy of getting general directions by moving a separate independent petition in an appropriate case.

May 11 ,2015
TSM

(M.M.S.BEDI)
JUDGE