

CWP No.1148 of 2016

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.1148 of 2016
Date of decision:17.08.2016**

Hari Krishan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sushil Bhardwaj, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Sandeep Suri, Advocate,
for respondents No.4 to 6.

Rakesh Kumar Jain, J. (Oral)

On 20.01.2016, the following order was passed by this Court:-

“The petitioner got financed TATA Truck LPT 2518 from respondents-finance company, availing loan of ₹16,50,000/-, which was to be repaid by him in 45 installments of ₹47,476/-. The loan was advanced on 31.7.2012 and was to be repaid upto April 2016. The total amount to be paid by the petitioner was ₹21,36,420/- against which he has already paid ₹18,59,152/-. The grievance of the petitioner is that the finance company has seized the said truck as a result thereof, not only the business of the petitioner has come to a standstill but also he is unable to pay the balance payment without earning. Learned counsel for the petitioner has submitted that the respondent-finance company is claiming ₹8,81,106/- as the amount due out of which he would pay ₹2 lacs, at this stage, so that his vehicle may be released.

Notice of motion for 12.2.2016.

Dasti.

In case the petitioner deposits ₹2 lac with the finance company/respondent No.5 then respondent No.5 shall release the

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truck of the petitioner forthwith.”

Thereafter, the following order was passed on 12.02.2016:-

“Counsel for respondent No.5 has submitted that as per the interim order dated 20.01.2016 passed by this Court, vehicle has been released, however, the petitioner has not paid the due amount.

Proxy counsel appearing on behalf of the petitioners prays for an adjournment on the ground that the arguing counsel is not available today.

Adjourned to 15.02.2016.”

The petitioner has been seeking adjournments time and again on the pretext that there is a likelihood of a compromise between the parties.

Learned counsel appearing on behalf of respondents No.4 to 6 has stated at the bar that the petitioner has not paid anything out of ₹6 lacs so far and is also keeping the vehicle with him.

Counsel for the petitioner has submitted that he has no instructions as to whether the petitioner is ready and willing to pay the amount of ₹6 lacs to respondents No.4 to 6 or not.

In view thereof, equity is found against the petitioner and hence, the present petition is hereby dismissed. The petitioner is directed to hand over the vehicle in question to respondents No.4 to 6 within a period of 15 days from today.

August 17, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No