

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

CRM-M No.831 of 2017

Date of Decision: January 13, 2017

Ajay Kumar

.....Petitioner

Vs

State of UT and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Tacoria, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks issuance of necessary directions to the court of Additional Chief Judicial Magistrate, Chandigarh to decide the issue of superdari at the earliest in view of facts and circumstances of the case.

Petitioner submitted that on account of his inability to pay installments of the vehicle in question, he handed over the vehicle to respondent No.2 for sale in order to fetch maximum price so as to repay the loan installments.

Respondent No.2 allegedly without consent of the petitioner handed over the same to respondent No.3 and the

private respondents under some secret mechanism deposited an amount of Rs.2,50,000/- with the financier of the vehicle i.e. Kotak Mahindra Bank.

The petitioner got registered FIR No.195 dated 07.10.2016 under Section 406, 420, 467, 468, 471, 120-B IPC, Police Station, Sector 26, Chandigarh and the vehicle was recovered by the police.

The application filed by the petitioner for release of the vehicle on superdari was not objected by the police. The petitioner being the registered owner of the vehicle is entitled to have superdari of the vehicle in question. The prayer of the petitioner was objected by respondent No.3 and respondent No.3 also claimed right of superdari before the Additional Chief Judicial Magistrate. Both the applications are pending before the trial Court and the trial Court has been adjourning the case from time to time since 20.10.2016.

Precise prayer of the petitioner is that trial Court be directed to decide the issue of superdari forthwith.

In my considered opinion, issue of superdari keeping in view the nature of property cannot be postponed for so long.

Without meaning anything on the merits of the case, the court of Additional Chief Judicial Magistrate is directed to decide the issue of superdari forthwith on the date fixed or within two weeks thereafter.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

January 13, 2017

jyoti Y.

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No