

CWP-751-2011

[1]

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

(Sr. No.204)

CWP-751-2011

Date of Decision:-14.03.2017

Bhupinder Singh

.....Petitioner

V/S

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present : Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Ms. Anu Pal, Assistant A.G. Punjab.

Mr. Sandeep Suri, Advocate,
for respondent No.3 to 6.

M.M.S. BEDI, J. (Oral):

The petitioner has filed the present writ petition seeking a writ in the nature of *mandamus*, directing respondents No.1 and 2 to take necessary action against the respondents No.3 to 6, namely Tata Motors and Finance Services Limited, its Manager and other representatives for illegally and forcibly possessing the horse-trolley bearing registration No.PB-03N-5765. The petitioner has also sought direction for return of the blank cheques along with other legal documents, which had been illegally taken by respondents No.3 to 6.

Vide interim order dated July 4, 2012 a direction was given to the respondent Nos.3 to 6 to return the vehicle, which had been seized by the private respondents on petitioner paying the balance of ₹16 lacs, after deducting the amount of ₹13.77 lacs which the petitioner had already paid. The petitioner paid the money and vehicle stood returned to him.

Counsel for the petitioner submits that valuable articles had been

removed before handing over the vehicle. It has been urged by counsel for the petitioner that even tyres and other accessories had been removed.

After hearing counsel for the petitioner and counsel for the respondents, I am of the opinion that the matter is pending since 2011. The vehicle has already been returned to the petitioner. He might have suffered losses for which he may claim damages. He may also seek rendition of accounts, as his grievance is that unreasonable excessive amount has been calculated and thrust upon him. This petition will involve disputed question of facts. I deem it appropriate in the interest of justice to relegate the petitioner and the respondents to settle the controversy, which involved controversial disputed questions of facts, by availing the alternative remedies available. However, it is directed that the petitioner will not be deprived of the vehicle during the adjudication of the controversy, if any, by appropriate forum.

It is made clear, that the petitioner will not be liable to pay any amount to the respondents during pendency of the petition, some settlement having already been arrived at between the parties. Counsel for the respondents has stated that he has got instructions to state that the respondents have already waived of the amount due from the petitioner. Even in view of the said statement, it will not be permissible to the respondents to claim any additional amounts from the petitioner.

Disposed of with above observations.

March 14, 2017

Pankaj

(M.M.S. BEDI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No