

CWP-26008-2016 (O&M)

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

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**CWP-26008-2016 (O&M).
Decided on: May 25, 2017.**

Sukhdev Singh

.. Petitioner

VERSUS

**Regional Director Reserve Bank of India, Central Vista Sec 17, CHD
and Ors.**

.. Respondents

*** * ***

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

*** * ***

**PRESENT Ms.Satinder Kaur, Advocate,
for the petitioner.**

**Mr.Naveen Sharma, Advocate,
for respondent Nos.2 to 4.**

M.M.S. BEDI, J. (ORAL)

Through the instant petition, the petitioner had challenged the unfair practices adopted by the respondents in taking over the possession of the vehicle PB-29-R/9710 on 2.10.2016 forcibly.

Petitioner filed a misc. application for a direction to release the vehicle. The respondents had opposed the application on 27.2.2017 contending that a sum of Rs.2,88,000/- was still to be paid by the petitioner. It was ordered that the truck of the petitioner would be released to him subject to his depositing a sum of Rs.1 lac with respondent Nos.2 to 4, without prejudice to the rights of respondent Nos.2 to 4 to claim the

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remaining amount. It was also ordered that no third party rights would be created regarding the truck in question.

It has been informed that truck has been released to the petitioner on depositing a sum of Rs.1 lac.

Counsel for the petitioner has expressed difficulty on behalf of the petitioner in regularising the accounts by paying the EMIs as he was not able to draw any benefit from the truck on hire purchase basis as it remained in custody of the respondents since October 2016.

After hearing the counsel for the parties, I am of the opinion that the petitioner is entitled to retain the possession of the truck in question and use the same for his livelihood subject to his discharging liability qua respondents No.2 to 4. In case the petitioner continues to pay the EMIs, he will not be dispossessed of the truck and no third party rights will be created, in any manner. It will always be open to the petitioner and the respondent Nos.2 to 4, to mutually settle the controversy pertaining to any disputed accounts amicably.

Disposed of with above observations.

(M.M.S. BEDI)
JUDGE

May 25, 2017.

rka

Whether speaking / reasoned

Yes / No

Whether reportable:

Yes / No