

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

FAO No.2381 of 2017(O&M)
Date of decision: 07.04.2017

Lalit Kumar

... Appellant

Versus

Daimler Financial Services India Pvt. Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ashwani Talwar, Advocate for the appellant.

ARUN PALLI, J. (Oral)

Vide order that is being assailed dated 23.03.2017, rendered by Additional District Judge, Panipat, application moved by the appellant for extension of time, by a month, to deposit the loan amount has since been declined.

Respondent had moved an application under Section 9 of the Arbitration and Conciliation Act, 1996, for appointment of Receiver to obtain actual physical possession of the vehicle in question that purports to have been financed by respondent-company. Concededly, the appellant was served in the said proceedings and had caused appearance through his counsel. However, neither any reply was filed to the said application nor the appellant chose to appear in the matter thereafter. Accordingly, vide order dated 07.01.2017, the Court accepted the application moved by the respondent. But, subsequently the appellant again moved the Court, and undertook to deposit the necessary amount by 22.03.2017, and in the event of default, to produce the vehicle in Court so that it could be delivered to the

respondent. In fact, statement of the appellant Lalit Kumar was specifically recorded in this regard on 07.02.2017. Accordingly, vide order of an even date, the Court granted time to the appellant to deposit the amount by 23.03.2017. For, concededly the appellant failed, he moved for extension of time; the application that has been declined vide impugned order.

Having argued the matter at some length, learned counsel for the appellant submits that he be permitted to withdraw the appeal. And, for the appellant is willing to deposit a part of the balance amount at once, and the remaining at the earliest, he shall move the necessary application before the Additional District Judge, Panipat itself to establish his bonafides.

Dismissed as withdrawn.

In the event, the appellant moves any such application within three days from today, the Court shall consider the same in accordance with law and pass appropriate orders.

April 7, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO