

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.3401 of 2018.

Date of Decision: March 13, 2018

Dilip Sharma

.....Petitioner

versus

Kotal Mahindra Bank Limited

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Sudhir Rana, Advocate for the petitioner.

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Surya Kant, J. (Oral)

The petitioner purchased a vehicle-Bolero-Jeep and hypothecated it with the respondent-bank to avail the loan of Rs.4,58,987/-. The loan was to be paid in 48 EMIs, the first one started from 10.12.2015. The petitioner is said to have defaulted in paying some of the installments. Instead of taking measures in accordance with law, the respondent-bank is said to have taken the vehicle into possession forcibly. The aggrieved petitioner has made a representation to the bank to which there is no response so far.

We have heard learned counsel for the petitioner.

There appears to be some merit in the petitioner's contention that vehicle could not have been taken away from him without resorting to the legal procedure.

Be that as it may, as of now, we dispose of this writ petition with a direction to the respondent-bank to consider the petitioner's request regarding release of the vehicle on payment of the amount in default alongwith an undertaking that he shall continue to pay the due installments

in future on time. An appropriate order shall be passed by the respondent- bank within a period of one week from the date of receiving a certified copy of this order. In the event of denial of relief, the petitioner shall be at liberty to approach this Court again.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 13, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No