

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

RSA No.195 of 2013 (O&M)

Date of decision: 06.07.2018

Om Parkash Sharma

..... Appellant

Versus

Muthoot Leasing and Finance Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sanjiv Gupta, Advocate
for the appellant.

Mr. Shubham Kaushik, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below.

Plaintiff got financed a Qualis (Tata make) and agreed to pay the installments as per the hire purchase agreement. There was default in the payment and the vehicle was repossessed and sold by the Finance Company. The plaintiff through this suit prays that the alleged hire purchase agreement dated 04.04.2001 be declared null, void and not binding on his interest and also prays for consequential relief of direction to the defendants to hand over the custody of the motor vehicle or in the alternative to pay an amount of Rs.3,87,000/- along with interest.

Both the Courts below after examination of evidence have dismissed the suit after recording a finding that the plaintiff committed a default and the respondent-company acted as per hire purchase agreement.

By now, much water has passed under the bridge. The hire purchase agreement dated 04.04.2001 has already been given effect to and the vehicle has already been sold.

Counsel for the appellant apprehends that there are certain blank cheques in possession of the company-respondent and they may be misused. If any such cheque is presented, the appellant shall be at liberty to take all possible defences.

In view thereof, there is no ground to interfere with the concurrent finding of fact arrived at by the Courts below.

The pending miscellaneous application, if any shall stands disposed of accordingly.

Appeal is dismissed.

06.07.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No