

Sr. No.115

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

CRM-M-1994-2019

Date of decision:17.01.2019

Ghan Shyam

.....Petitioner

versus

State of Haryana and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. S.K.Verma, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed seeking issuance of direction to respondent Nos. 1 to 4 to take legal action against respondents No. 5 and 6 and to lodge FIR against them under Sections 379,384,395,420,425,323,506 and 34 IPC and to recover the Vehicle No.HR-63-B-1093 along with documents.

Learned counsel for the petitioner submits that the Truck bearing Registration No.HR-63-B-1093; which was financed by respondent No.5; has been forcibly taken away by them alongwith its documents since the petitioner failed in payment of one instalment. Learned counsel further submits that petitioner is ready to pay the already defaulted, as well as due instalment upto 15.02.2019, on or before 15.02.2019. Therefore, it is prayed that respondent No.5 be directed to restore the possession of the Truck bearing Registration No.HR-63-B-1093 alongwith requisite documents; to the petitioner.

This Court finds substance in the submission made by counsel

for the petitioner. Hence it is directed that if the petitioner pays the defaulted; as well as the due instalment, as is due upto 15.02.2019, on or before 15.02.2019, then possession of the Truck bearing Registration No.HR-63-B-1093 alongwith requisite documents, shall be given to the petitioner within 05 days, after the payment is made.

It is further clarified that due amount mentioned above would not include any penal interest; which the bank/respondents might be levying on the amount defaulted by the petitioner.

Disposed of.

17th January, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*