

S.No.109

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

CRM-M-11040 of 2019 (O&M)

Date of Decision:12.03.2019

Harinderpal Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Shakti Bhardwaj, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking directions to respondents No.1 to 4 to take appropriate legal action against respondent No.5 who is trying and making an attempt to forcibly take away the truck/vehicle of the petitioner bearing registration No.PB-02-CR 6255 with the help of recovery agents and henchmen despite the fact that the petitioner is regularly paying the loan amount.

Learned counsel for the petitioner contends that although the petitioner had been regularly paying the instalment of the financed vehicle bearing registration No.PB-02-CR 6255, however, due to hardship, an amount of Rs.1,73,307/- has become overdue. It is further submitted by counsel that the petitioner does not have any intention to commit default of payment of the amount. He only needs some time to clear this amount as well as to start paying the regular instalment on the due dates. Counsel also submits that within a period of two months, the petitioner would clear the above-mentioned overdue amount and would also pay the next instalment in time. Hence, it is submitted that respondent No.5 be restrained from forcibly taking away the above said vehicle from the petitioner.

In view of the above submissions made by the counsel, the present petition is disposed of with a direction that in case the petitioner pays the amount of Rs.1,73,307/-, as well as all the instalment due by 15.05.2019; then the respondents would not take any steps whatsoever, to take back the possession of the above-said vehicle from the petitioner. However, for removal of the doubt, it is clarified that possession of the above said vehicle shall remain with the petitioner till 15.05.2019; and if the petitioner makes the above said payments, as undertaken by him, then the possession shall continue to remain with the petitioner till the time he continues making payment of the amount of instalments on due dates.

With the above said orders, the present petition is disposed of.

March 12, 2019

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(RAJBIR SEHRAWAT)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No