

S.No.244

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

CRM-M-25009 of 2016 (O&M)

Date of Decision:13.02.2019

Varinder SinghPetitioner

Vs.

State of Punjab and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Karan Bhardwaj, Advocate
for the petitioner.
Mr.K.S. Aulakh, DAG, Punjab.
Mr. Pawan Kumar, Advocate for
Mr. Nitin Thatai, Advocate for
respondents No.4 and 5.

Rajbir Sehrawat, J.(Oral)

This is a petition seeking direction to respondents No.1 to 3 to take appropriate legal action against respondents No.4 and 5 who forcibly recovered the vehicle of the petitioner bearing registration No.PB-0-5-N-9709 by stopping it forcibly while it was taking commercial assignment on 14.06.2016 and have parked it in the premises of their recovery agent/goons and are now asking for ransom to release it and are threatening the petitioner that in the event of not paying so; the vehicle would be further sold, and further directing the respondents to take appropriate action on the representation of petitioner dated 15.07.2016 (Annexure P-2) and recover the vehicle of the petitioner from the custody of respondents No.4 and 5 and hand over the same to the petitioner.

A perusal of the paper book shows that the petitioner was in default of making payment of Rs.66,842/- along with some other liabilities. The petitioner had undertaken to pay Rs.80,000/- to respondents No.4 and 5 within 15 days on 08.08.2016. Accordingly, this Court had directed the

petitioner to deposit an amount of Rs.40,000/- by the next day and to deposit the remaining amount of Rs.40,000/- within 15 days from that date. On these terms, it was ordered that the vehicle, which was with respondents No.4 and 5, be released to the petitioner after he deposits first Rs.40,000/- as undertaken by him.

The petitioner had deposited Rs.40,000/- with respondents No.4 and 5. However, he had not paid the balance amount of Rs.40,000/- as undertaken by him. Therefore, vide order dated 01.09.2016, it was ordered by this Court that if the balance amount of Rs.40,000/- is not paid by the next date of hearing, then this Court will impose additional amount on the petitioner. However, upto next date of hearing also, the amount was not paid by the petitioner. Subsequently, vide order dated 06.10.2016, last chance was granted to the petitioner to make the payment of the amount, as undertaken by the petitioner earlier. Thereafter, the case has been repeatedly adjourned on request of the petitioner.

Mr. Pawan Kumar, Advocate appearing for respondents No.4 and 5 submits that even till today, the petitioners have not paid the balance amount of Rs.40,000/-, as undertaken by the petitioners, and as ordered by this Court.

In view of the above, this Court finds no reason to continue with the present petition or to pass any order favourable to the petitioner. Hence, the present petition is dismissed.

February 13, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No