

S.No.118

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

CRM-M-14522 of 2019 (O&M)

Date of Decision:29.03.2019

Bagicha 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 direction 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-05-AJ-0456.

Learned counsel for the petitioner contends that it is not even disputed that the petitioner had availed a loan of Rs.38,01,247/-. However, the petitioner was regularly paying the instalments. But due to financial constraints, subsequently, the petitioner could not pay some instalments and an amount of Rs.2,15,700/- has become overdue. Because of that, the respondents No.5 and 6 are bent upon taking back the possession of the vehicle financed by them.

Learned counsel for the petitioner has submitted that the petitioner has no intention to commit default of the repayment of the loan. He has intention to repay the entire overdue loan amount. But respondents No.5 and 6 be directed not to take back forcible possession of the vehicle. .

In view of the above submissions of learned counsel for the petitioner, it would not be unjustified if the possession of the abovesaid

vehicle by the petitioner is protected for the specified period by granting him time and opportunity to repay the overdue amount of loan.

Accordingly, it is ordered that in case the petitioner pays the overdue amount, alongwith the other due instalments upto 15.05.2019, then respondents No.5 and 6 shall not dispossess the petitioner of the abovesaid vehicle financed by them. Needless to say that it would mean that upto 15.05.2019, possession of the vehicle shall remain with the petitioner. However, if the amount is not paid by the petitioner as undertaken by him above, then this protection shall not extend beyond 15.05.2019.

Disposed of.

March 29, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No