

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42235-2018

Date of decision: 27.02.2019

Amandeep Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Rahul Katoch, Advocate
for respondent No.5.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of directions to respondents No.1 to 3 to take appropriate legal action against respondent No.5, who is trying to forcibly take away vehicle of the petitioner bearing registration No.PB-11-BY-8797.

A perusal of the petition shows that on an earlier occasion, similar petition i.e. CRM-M-36684-2017 was filed with a similar prayer, which was disposed of on 16.05.2018, by passing the following order: -

“CRM-41672-2017

Prayer in this application is for restoration of the main petition, which was dismissed for non-prosecution vide order dated 11.12.2017.

For the reasons stated in the application, same is allowed and order dated 11.12.2017 is hereby recalled and the main petition is restored to its original number.

CRM stands disposed of.

CRM-M-36684-2017

Learned counsel for respondent No.5 submits that in case the petitioner regularly default in making the payment of EMI and failed to pay the overdue amount, respondent No.5 will take possession of the vehicle in accordance with law, as per Arbitration Act.

In view of the above, this petition is disposed of.”

It is stated in the present petition that despite the aforesaid order, respondent No.5 is trying to take possession by force.

Learned counsel for respondent No.5 has submitted that they have not taken any action to take illegal possession of the vehicle and will take possession, in accordance with law.

In view of the above, this petition is disposed of and respondent No.5 shall remain bound by the statement made before this Court.

[ARVIND SINGH SANGWAN]
JUDGE

27.02.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No