

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

FAO-3305-2019 (O&M)
Date of decision: 09.07.2019

Yunas

...Appellant

Versus

Orix Leasing & Financial Services India Ltd. and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Pardeep Rajput, Advocate, and
Ms.Sunita Gupta, Advocate,
for the appellant.

Mr. Mukesh Bhatnagar, Advocate,
for respondent No.1.

JAISHREE THAKUR, J. (ORAL)

This is an appeal that has been filed seeking to challenge the order dated 05.03.2019 passed by the Arbitrator allowing a Receiver to be appointed and to take possession of the Vehicle TATA LPT 3118, bearing Registration No. RJ-14-GJ-2473, Chassis No. h5k15567 and Engine No. 419975 from the custody of the appellant herein.

It is contended that the appellant herein had availed of a loan from respondent No.1, namely Orix Leasing & Financial Services India Ltd. for the purchase of the aforesaid vehicle. On account of the fact that he was

not able to make his monthly installment, arbitration proceedings were invoked at Delhi and without giving any due opportunity to the appellant herein of making good the installments, the vehicle was re-possessioned vide the impugned order.

Learned counsel appearing on behalf of the appellant herein contends that he had no knowledge about the Arbitration proceedings having been commenced against him and it is only when his vehicle was re-possessioned, he came to know about the pendency of the proceedings which led to the filing of the instant appeal challenging the impugned order passed.

Learned counsel appearing on behalf of respondent No.1 would contend that the Arbitrator has acted in accordance with law. In fact, an application had been filed for appointment of a Receiver and the Arbitrator issued notice calling upon the appellant to put in appearance and on his failure to do so allowed the application for appointment of Receiver. In the reply filed, a categorical stand has been taken that the vehicle has already been sold for a sum of ₹ 16,40,000/- on "*As is where is*" basis and the possession has been handed over to the subsequent buyer on 30.04.2019 much prior in time to the appeal having been filed in this Court. It is also submitted that the award has subsequently been passed on 01.07.2019 and, therefore, the instant appeal has been rendered infructuous.

I have heard learned counsel for the parties and in view of the fact that an award has already come into existence, no further orders are called for in this appeal and the same is hereby dismissed leaving it open to

the appellant herein to challenge the award so passed taking all pleas available to him regarding the validity of the award.

09.07.2019

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.