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**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2483 of 2020**

M/ S Maa Vindhyavasini Tractors, Through Proprietor - Mr. Surendra Mehta, S/o Shri Rajendra Mehta, Aged About 43 Years, R/o Sehra Dabri Chowk, Raipur Road, Dhamtari, District - Dhamtari Chhattisgarh.

**---- Petitioner****Versus**

1. New Holland Fiat (India) Pvt. Ltd., 303 Center Plaza, 166 C.S.T. Road, Kalina, Mumbai, Maharashtra.
2. C. N. H. Industrial Pvt. Ltd, Main Office (Tractor Division), Third Floor, Plot No. 14 A, Sector 18, Maruti Industrial Complex, Gurgaon, Haryana, Pin 122015
3. Punjab National Bank, Through - Zonal Manager, Zonal Office, First Floor, Plot No. 46, Sector 24, Opposite Block A Office Campus, Atal Nagar, Naya Raipur, District - Raipur Chhattisgarh.
4. The Authorised Officer, Punjab National Bank, Circle Office, Recovery Department, First Floor, Plot No. 46, Sector 24, Opposite Block A Office Campus, Atal Nagar, Naya Raipur, District - Raipur Chhattisgarh.
5. The Branch Manager, Punjab National Bank, Shihava Chowk, Dhamtari, District - Dhamtari Chhattisgarh.

**---- Respondents**


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For Petitioner : Mr. R.S. Patel, Advocate

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**Hon'ble Shri Justice P. Sam Koshy****Order on Board****29/10/2020**

1. The present writ petition has been filed seeking for a relief of a direction to the respondents restraining them from taking physical possession of the property of the petitioners till final adjudication of the Civil Suit No. 07-A/2020 pending before the Civil Judge Class-2, Dhamtari, District Dhamtari.
2. At the outset, this Court is of the opinion that such a relief sought for would not be permissible to be granted exercising the writ jurisdiction

of this Court under Article 226 of the Constitution of India. The remedy available for the petitioner would be to move an appropriate injunction application before the concerned Civil Court itself. Though the Civil Courts are not functional normally because of the effect of COVID pandemic, however urgent matters are being taken up on an appropriate application and request being made before the concerned Court.

3. Moreover, in the instant case what has been informed and pleaded by the petitioner is that the respondents have already invoked the bank guarantee. No interim relief to that extent hence can be granted at this juncture. As regards the physical possession being taken over by the respondents, the same would have to be challenged by the petitioner before the appropriate forum in accordance with law. Annexure P/1 is an order which was issued as early as in March, 2020, seven months have already lapsed and the possession as such has not been taken by the respondents.
4. Given these fact that, this Court does not find any immediate threat against the petitioner, calling for an interference by this Court at this juncture. The right of the petitioner stands reserved to approach the concerned DRT for ventilating his grievances and also for claiming appropriate interim protection as can be granted by the Tribunal. Reserving the right of the petitioner for availing the same, the writ petition stands disposed of.

Sd/-  
(P. Sam Koshy)  
**Judge**