

106.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12996-2020

Date of decision: 28.08.2020.

JASWANT SINGH

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Karan Bhardwaj, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this writ petition filed under Article 226/227 of the Constitution of India is for issuance of writ in the nature of mandamus directing respondents No.1 to 6 to take appropriate legal action against respondents No.7 and 8, who are attempting to forcibly recover the truck of the petitioner.

The petitioner, who is transporter by profession, has purchased vehicle i.e. truck bearing registration No.PB 11 CL 4586. The said vehicle was financed by respondent No.7-IndusInd Bank, for an amount of Rs.16,89,372/- against the asset i.e. vehicle. The loan so availed by the petitioner was required to be repaid in 60 monthly installments @ Rs.37,720/- till 18.11.2022. The petitioner has paid all installments except 6 installments and as on date, an amount of Rs.2,26,320/- is outstanding against installments.

Counsel for the petitioner submits that the petitioner is ready to clear the outstanding amount within a period of 2 ½ months and in order to show his *bona fide*, he will deposit 50% of the outstanding amount within 15 days from today, with a further undertaking to clear the up-to-date installments in another 2 months' period.

I have heard learned counsel for the petitioner.

Considering the submissions made by the counsel for the petitioner, this Court is satisfied that the offer made by the petitioner is reasonable. The transport activities must have affected adversely because of lockdown period due to the prevailing Covid-19 pandemic.

Be that as it may, as the petitioner has offered to clear the outstanding installments within an outer period of 2 ½ months, the present petition is disposed of at this stage with a direction that in case the petitioner submits an undertaking within 15 days from today alongwith 50% of the outstanding amount to respondents No.7 and 8, with further undertaking that he will clear the remaining outstanding amount in another 2 months, meaning thereby that he will clear the outstanding installments in 2 ½ months' period from today, the vehicle of the petitioner shall not be forcibly taken by the respondents.

(HARI PAL VERMA)
JUDGE

28.08.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No