

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CM No.11914-CWP-2020 in
CWP No.17451 of 2020
Date of decision: 16.12.2020

Harjinder Kaur

.....Petitioner

versus

State of Punjab and Ors.

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

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

Mr. Ambika Bedi, Asstt. A.G., Punjab.

Mr. Nitin Thatai, Advocate
for the respondent Nos.6 and 7.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner – Harjinder Kaur, who is stated to be aged 40 years, has filed the present writ petition *inter alia* with a prayer to direct respondent Nos.1 to 5 to take appropriate legal action against respondent Nos.6 and 7 who forcibly recovered the Truck/Vehicle of the petitioner with the help of recovery agents and this conduct of respondent No.6 and 7 is against RBI Circular dated 27.03.2020 (Annexure P-7), RBI Circular dated 23.05.2020 (Annexure P-8) wherein RBI granted 6 months loan moratorium and against notification dated 28.09.2006 (Annexure P-6) issued by respondent No.2, with a further prayer to direct the respondents to recover the vehicle bearing registration No.HR 58 A 8103 from the respondent Nos. 6 and 7 and restore

the possession to the petitioner. Petitioner also prays that respondent Nos. 2 and 3 be directed to take action against respondent Nos. 6 and 7 and cancel its license for violating circulars dated 28.09.2006 (Annexure P-6) and 27.03.2020 (Annexure P-7) and dated 23.05.2020 (Annexure P-8).

Learned counsel for the petitioner by making reference to pleadings submits that in the Month of November 2019, a loan was taken from the respondent Nos.6 and 7. It is then submitted by counsel that on 06.02.2020 unfortunately, the husband of the petitioner died. Immediately, thereafter from March 2020 onwards, there has been lockdown due to COVID 19 pandemic. Accordingly, the present writ petition was filed.

Records of the case show that on 16.10.2020, notice of motion was issued and in the meantime interim direction was issued to respondent Nos.6 and 7 to restore the possession of vehicle, subject to her depositing a sum of Rs.50,000/- within 7 days.

Today on resumed hearing of case, it is informed that Rs.50,000/- was deposited by the petitioner.

However, learned counsel representing respondent Nos.6 and 7 submits that on behalf of respondent Nos.6 and 7, CM No.11914 of 2020 was filed, wherein a prayer was made for recalling of order dated 16.10.2020 as true facts were not projected. It is submitted by making reference to para 4 of the application that Rs.16,46,260/- is still to be paid. It is then submitted that the petitioner was required to pay regular monthly installments of Rs.37,500/-.

In view of peculiar facts as noticed above, this Court deems it

appropriate to issue the following directions:-

- i) The petitioner would deposit Rs.50,000/- in compliance of order of this Court to the respondents as expeditiously as possible, maximum by 27.12.2020.
- ii) The petitioner is also directed to deposit Rs.55,000/- per month by the last working day of month commencing January 2021 onwards till 30.06.2022, whereafter by mutual consent regular installments of Rs.37,500/- shall be restored.
- iii) On the deposit of Rs.50,000/-, in compliance of order dated 16.10.2020, the vehicle shall immediately be restored to the petitioner.
- iv) It is further directed that the petitioner shall not default in making the aforementioned installments. However, it is made clear that in case, two consecutive installments are not paid, the respondents are entitled to recover the vehicle in a peaceful manner.
- v) It is further directed that if the petitioner would make a representation with a prayer for release of moratorium in her favour and also for waiving interest during the period when the vehicle remained in possession of the respondents, the same be decided within 2 months.

In view of peculiar facts as noticed above, it is directed that respondent Nos.6 and 7 would sympathetically consider the representation and pass appropriate orders in accordance with law.

At this stage, to be fair to the Court, learned counsel for the petitioner makes a submission that in view of the order passed today, the

petitioner undertakes to withdraw the Contempt Petition filed against respondent Nos.6 and 7.

Petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

16.12.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No