

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 1834 of 2021

Date of Decision: February 19 , 2021.

Manjeet Kumar

..... PETITIONER

Versus

State of Haryana and others

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.A.Sheoran, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.AG, Haryana
for respondents No.1 to 3.

Mr. HPS Kochhar, Advocate
for respondents No.4 and 5.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this writ petition is for directing respondents No.1 to 3 to recover vehicle bearing registration No.HR26DE-2935 belonging to the petitioner, from the custody of respondents No.4 and 5, who are stated to have taken forcible possession thereof.

It is submitted that the abovesaid vehicle was originally owned by one Ravi Kumar and it was sold by him to Inderjeet son of Jagdev Singh.

Registration Certificate (RC) of the vehicle was issued by the Sub Divisional

Magistrate (SDM), Charkhi Daddri in favour of said Inderjeet. Thereafter, petitioner purchased the said vehicle from Inderjeet by raising a loan of Rs.3,50,000/- from Cholamandalam Investment and Finance Company Limited. Registration Certificate of the vehicle was issued in favour of the petitioner by the SDM, Charkhi Dadri. The petitioner, it is submitted, has been regularly paying the instalments to Cholamandalam Investment and Finance Company Ltd. However, in an absolute illegal manner, the recovery agent of Mahindra Finance Company forcibly took the vehicle on the pretext of loan pending against the said vehicle. When no action was taken by the authorities, present writ petition was filed.

Short reply on behalf of respondents No.1 to 3 by way of affidavit of Mr. Om Parkash Narwal, IPS, Deputy Inspector General of Police-cum-Superintendent of Police, Jind has been filed, wherein it is stated that from the investigation conducted in the matter, petitioner has been found to be the current owner of the vehicle. However, first owner of the vehicle, namely, Ravi Kumar had raised a loan of Rs.9,00,000/- from Mahindra and Mahindra Financial Services Ltd., Karnal. He defaulted in the payment of the loan amount after paying six instalments of the said loan. The vehicle was further sold to Inderjeet from whom it was purchased by the present petitioner. It is further stated therein that on finding that the current owner of the vehicle is the present petitioner, company manager of respondent-finance company, had stated that the company is ready to handover the vehicle to the petitioner and take necessary action against Ravi Kumar, in accordance with law.

Mr. HPS Kochhar, Advocate appears on behalf of respondents No.4 and 5 and submits that said respondents are ready to handover possession

of the vehicle to the petitioner and action against Ravi Kumar shall be taken in accordance with law. Complicity of petitioner, if any, in the entire sequence of events would be subject to investigation.

It is agreed between the petitioner and respondent-Finance Company that in case the petitioner comes present at Police Station Sadar, Jind tomorrow i.e., 20.02.21 at 11.00 a.m., peaceful possession of the vehicle shall be handed over to him.

Learned counsel for the petitioner submits that in view of the above development, this writ petition is rendered infructuous.

Ordered accordingly.

February 19 , 2021.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No