

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

**CWP No.6876 of 2021(O&M)**  
Date of Decision: 13.12.2021

Shavay Suneja

-Petitioner

Versus

State of Punjab and others

-Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr.J.S. Lalli, Advocate  
for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

Ms. Puja Chopra, Advocate  
for respondent No.4.

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**RAJ MOHAN SINGH, J. (Oral)**

**CM No.8939-CWP of 2021**

This is an application under Section 151 CPC for release of the vehicle of the petitioner bearing registration No.PB-91-F-9756 on deposit of the default amount of EMI's.

With the consensus of the learned counsel for the

parties, the main case is taken up today itself.

**Main case**

Petitioner has preferred this petition for the issuance of an writ in the nature of mandamus, directing official respondents No.1 to 3 to take appropriate action against respondent No.4, who had forcibly taken away the vehicle of the petitioner with the help of recovery agent.

Notice of motion was issued on 24.03.2021 on the premise that the vehicle was mortgaged with respondent No.4/Bank and that was illegally confiscated by the Bank on 04.03.2021.

During pendency of the present petition and even before filing of reply by respondent No.4, the issue was settled at the instance of the petitioner. Order dated 06.09.2021 was passed to the following effect:-

*“Ms. Puja Chopra, Advocate, appears on behalf of respondent no.4*

*Learned counsel for the applicant-petitioner submits that petitioner is ready and willing to deposit the defaulted amount.*

*Learned counsel for respondent no.4 submits that as per her instructions, the amount due is Rs. 2,08,507/- besides Rs.50,000/- repossession charges. Learned counsel for the petitioner, however, disputes the same.*

*During the course of hearing of this application, it is*

*agreed that applicant-petitioner shall approach respondent no.4 for settlement of the defaulted amount as well as waiver of repossession charges, penalty etc. of the vehicle in question and same shall be considered by respondent no.4 in accordance with law. Petitioner undertakes to further deposit the installments falling due regularly and seeks restoration of possession of the vehicle.*

*Learned counsel for respondent no.4 submits that in case, the amount settled at is deposited by the petitioner, possession of the vehicle in question shall be restored to the petitioner within 48 hours.*

*Accordingly it is directed that in case, petitioner approaches respondent no.4 within one week from today, necessary action in terms of the facts as above be taken.*

*List on 07.12.2021 i.e. the date fixed in the main case.*

06.09.2021

SUNIL

(LISA GILL)

JUDGE”

Thereafter, on 07.12.2021, learned counsel for respondent No.4 submitted that the account of the petitioner viz-a-viz the vehicle in question has been regularized and possession of the vehicle has also been delivered to the petitioner. The prayer was made for disposal of the writ petition as having rendered infructuous. Learned counsel for the petitioner pointed out that an ex parte award dated 16.10.2021 has been passed by the Sole Arbitrator appointed by respondent No.4 itself. The ex parte arbitral award dated 16.10.2021 is in a sum of Rs.10,47,053/- with pendente-lite

interest and future interest @ 18% per annum from 11.02.2021 till its final realisation. According to the said award, respondent No.4 has also been held entitled to take possession of the vehicle in question and dispose of the same towards the satisfaction of the award. The Arbitrator has also awarded costs to the tune of Rs.11,000/-. Learned counsel for respondent No.4 sought time to have further instructions in the context of intention of respondent No.4 to execute the award in question or not, if the petitioner keeps on paying the installments in time.

Today, learned counsel for respondent No.4 states that respondent No.4 has no intention to execute the award in question so long as the petitioner keeps on paying the installments without fail. In such an eventuality, respondent No.4 shall execute the award only in accordance with law.

Apparently, the petitioner has not assailed the award in question in any Forum till date.

Learned counsel for the petitioner submits that the petitioner shall keep on paying the installments in time and after exhausting the installments, the award in question be held to be of no value.

Learned counsel for respondent No.4 submits that after satisfaction of the loan amount in entirety, respondent No.4 shall give no objection to the petitioner without insisting upon

any such claim arising out of award dated 16.10.2021.

In view of submissions made by learned counsel for the parties, this petition is disposed of as such. Parties shall bound by their stand before the Court.

13.12.2021  
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**(RAJ MOHAN SINGH)**  
**JUDGE**

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