

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13363 of 2021 (O&M)

Date of Decision:18.08.2021

Sawaran Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Abhay Pal Singh Gill, AAG., Punjab.

Mr. Vipul Dharmani, Advocate
for respondents no.4 and 5.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner in this case apprehends that respondents no.4 and 5 would forcibly recover the truck/vehicle of the petitioner, which has been financed by them as there has been default in deposit of installments by the petitioner.

Learned counsel for the petitioner submits that vehicle in question was financed by respondent no.5 for a sum of Rs.14,09,292/-. The amount in question was to be paid in 54 monthly installments of Rs.37,700/- from 05.03.2020 till 04.08.2024. Due to outbreak of the pandemic COVID-19, petitioner was unable to deposit the installments after February 2021. An amount of Rs.1,13,747/- was due. However, an attempt was made at the behest of respondents no.4 and 5 to take forcible possession of the vehicle.

Such action, it is contended is totally beyond and in complete violation of

the guidelines of the Hon'ble Supreme Court in **Manager, ICICI Bank Ltd. Vs. Prakash Kaur and others, 2007(2) R.C.R (Criminal)76.**

Learned counsel for respondents no.4 and 5, states that the total amount due as on today is Rs.2,64,000/- and not Rs.1,13,747/-. It is further submitted that no action shall be taken for forcible or illegal possession of the vehicle in question and the answering respondents shall take action only in accordance with law in case of default by the petitioner.

During the course of hearing, it is agreed between the parties that in case, petitioner deposits a sum of Rs.1,00,000/- out of the outstanding amount of Rs.2,64,000/- within two weeks from today and the remaining within six weeks thereafter, no steps could be initiated by the respondents which they are entitled to take, in case of default. Petitioner undertakes to deposit the abovesaid amount and also to deposit future installments on time.

In this view of the matter, no further orders are required to be passed in this case. Needless to say, in case the amount of Rs.2,64,000/- is not deposited by the petitioner within the period as stipulated above and in case of further default, respondents no.4 and 5 are at liberty to take appropriate action against the petitioner for default in accordance with law and with strict adherence to the guidelines laid down by the Hon'ble Supreme Court in **Manager, ICICI Bank Ltd., case (supra).**

Writ petition is accordingly disposed of.

18.08.2021
s.khan

[LISA GILL]
Judge

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