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

CWP-27039-2021

Date of Decision: 30.12.2021

GAGANDEEP SINGH THROUGH HIS SPA PARGAT SINGH

..... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Hem Raj Bhardwaj, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Haryana.

LISA GILL, J.(Oral)

It is asserted in this writ petition that petitioner's vehicle, which was financed from respondent no.6, has been forcibly and illegally taken in possession by the said respondent despite there being an interim order dated 13.12.2021 (Annexure P4), passed by the learned Additional Civil Judge (Senior Division), Moonak, in the Civil Suit filed by the petitioner seeking an injunction against respondents no.5 and 6, restraining them from taking illegal possession of the vehicle in question i.e. truck (Tata) bearing registration no. PB-13BF-4257. It is further submitted that present petitioner through special power of attorney of Gagandeep Singh, was regularly paying the installments but due to outbreak of 2nd wave of pandemic, COVID-19, petitioner failed to deposit three installments. The truck in question was loaded with perishable commodity (onion), which were being transported from Gujrat to Jalandhar, when it is stated to have been taken possession of in a forcible and illegal manner by the recovery

agents of the respondent-Bank on 24.12.2021 at Siwani, District Bhiwani. Matter was reported to the police and it is asserted that said act of respondent-Bank is not only illegal but downright contemptuous.

However, learned counsel for the petitioner in view of pendency of the civil suit before the learned Additional Civil Judge (Senior Division), Moonak, seeks to withdraw this writ petition with liberty to the petitioner to file appropriate application including that for seeking restoration of possession before the learned trial Court.

Dismissed as withdrawn with liberty as aforementioned. Needless to say, application as above, if filed by the petitioner for restoration of possession of the vehicle, within one week from today, be considered and decided in accordance with law by the learned trial Court expeditiously and preferably within two weeks thereafter.

(Lisa Gill)
Judge

30.12.2021

Sunil

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