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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 06.12.2021

+ **FAO 268/2021& CM APPL. 43679-81/2021**

SMT.SNEHLATA

..... Appellant

versus

MAHINDRA AND MAHINDRA FINANCE LTD Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Brajesh Singh, Advocate

For the Respondent : None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. Appellant impugns order dated 08.04.2021 whereby the Petition under section 9 of the Arbitration and Conciliation Act, 1996 of the appellant was dismissed.

2. Appellant had availed of a loan for purchasing a Maruti Ertiga vehicle, a green commercial vehicle for commercial purposes. On account of non payment of EMIs, Respondent had sought to initiate coercive action. Appellant filed the Subject Petition under section 9 of the Arbitration Act.

3. The Trial Court in the Impugned order has noticed the submissions of the respondent that as on 08.04.2021, 13 EMIs were payable by the appellant in respect of both the loan agreements. It was also noticed that after grant of moratorium of five months, the EMIs were to be recovered from the appellant.

4. The trial court further noticed the submissions of the learned counsel for the respondent that after grant of moratorium of 5 months, as on that date 8 EMIs were pending and in case appellant were to pay at least one of the pending EMIs along with regular payable EMIs with effect from 01.04.2021, the loan account would be regularized.

5. The trial court noticed the contentions of learned counsel for the appellant that he had no money even to pay the regular EMIs on account of Covid-19 situation. Said order was passed nearly 8 months ago. Even today, learned counsel for the appellant submits that appellant is not in a position to clear the arrears of EMIs.

6. In view of the above, I find no infirmity in the impugned order dated 08.04.2021 declining to grant any interim protection. There is no merit in the appeal. The appeal is accordingly dismissed.

SANJEEV SACHDEVA, J

DECEMBER 6, 2021

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