

S/L 114
23.6.2022
Court. No. 19
sn

WPA 19854 of 2021

Seikh Ashabul
Vs.
The State of West Bengal & Ors.

Md. Jamaluddin Ahmed ... for the petitioner

Mr. Koushik Chatterjee
Mr. Tirthankar Das ..for the State

The finance company has repossessed the vehicle, which was mortgaged to the said company with the help of police assistance, in terms of the hire purchase agreement.

The remedy of the petitioner is to approach the appropriate forum under the Arbitration and Conciliation Act, 1996 for preventive and protective orders, in respect of the vehicle in question. The hire purchase agreement also has an arbitration clause and as such the Writ Court cannot pass an order directing the finance company to hand over possession of the vehicle to the petitioner, with the assistance of the police.

This writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)