

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

(PROCEEDINGS THROUGH VIDEO CONFERENCING)

FAO-CARB No.4 of 2022 (O&M)

Date of Decision: 24.02.2022

Bhavesh Kumar and another

... Appellants

Versus

M/s Cholamandalam Investment and Finance Co. Ltd.

... Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Abhijeet P.S. Chaudhary, Advocate
for the appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Present is an appeal which has been preferred against the order dated 30.11.2021 passed by the learned Additional District Judge, Commercial Court, Ludhiana, vide which an order has been passed, for various reasons mentioned therein and subject to certain conditions to be fulfilled by the parties.

It is an admitted position that an application has been preferred by the appellants on 25.01.2022 highlighting the aspect that the order dated 30.11.2021 would not be operative and the applicant would be entitled to the release/return of the vehicle, which has wrongly been taken in possession by the Investment & Finance Company/respondent.

Learned counsel for the appellants after arguing for some time, prays that the appellants would be satisfied if a direction is issued to the trial Court to consider and decide the application dated 25.01.2022

(Annexure A-5) preferred by the appellant on 03.03.2022, the date fixed before the said Court. He has further stated that after issuance of notice of motion, the opposite side has already put in appearance.

In the light of the above submissions, we dispose of the present appeal with an observation that if the assertions, as has been made by learned counsel for the appellants, is found to be correct, the trial Court shall decide the application of the appellants dated 25.01.2022 (Annexure A-5) on the next date of hearing, i.e., 03.03.2022 and if because of some reason, the same is not decided on that date, then within a further period of seven days.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

February 24, 2022
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No