

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

223-53

**CWP-26417-2019**  
**Date of Decision: 27.09.2022**

**SUKHDEV SINGH**

... Petitioner

Versus

**STATE OF PUNJAB AND OTHERS**

... Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

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

Ms. Niharika Sharma, AAG, Punjab.

Mr. Gaurav Sharma, Advocate  
for respondent No.7.

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**VINOD S. BHARDWAJ, J. (ORAL)**

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the private respondent-finance company not to recover/repossess the vehicle in question bearing Registration No.RJ-06GB-1895 by use of illegal force.

Learned counsel for the petitioner contends that the proceeding initiated by the private respondent/non-banking private finance company by forcible recovery of the vehicles is contrary to the guidelines issued by the Reserve Bank of India and further that the Appellate Grievance Redressal Forum, so prescribed as per the guidelines, does not properly address the grievances espoused by the petitioner/borrower.

Learned counsel for the private respondent, however, without prejudice to his rights to raise all issues and also without admitting the maintainability of the petition in the present form and to be raised in an

appropriate proceeding, lest the undertaking given here be read as adjudication on the said issues, contends that he has instructions to state that the private respondent shall not indulge in illegal/unlawful use of force for seeking recovery of outstanding amount, if any and/or in taking forcible repossession of the vehicle in question and that in order to make the recovery and/or repossession, the private respondent shall take recourse to the appropriate and efficacious remedy/procedure available with the company in accordance with law.

In view of the aforesaid statement made on behalf of the private respondent-finance company, learned counsel for the petitioner does not press the instant petition at this stage.

Accordingly, with the consent of the parties and without commenting anything on the merits of the case, the present petition stands disposed of as not pressed at this stage.

Needless to mention that the private respondent-finance company shall remain bound by the statement made by its counsel today in Court.

**27.09.2022**  
*rajender*

**(VINOD S. BHARDWAJ)**  
**JUDGE**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*