

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CWP-1502-2021

Date of decision: 19.09.2023

GURMUKH SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab
for respondents No.1 to 3.

Mr. G.S. Sandhu, Advocate
for respondents No.4 and 5.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition was filed for seeking directions to the respondents to not take physical possession of vehicle No. PB06V-9671 make TATA PRIMA 4023.S except in the process of law.

Reply on behalf of respondents No.1 to 3 has been filed today in Court. Copy thereof has been handed over to the counsel for the petitioner. It has been averred in the aforesaid reply filed on behalf of respondents No.1 to 3 that statement of petitioner Gurmukh Singh had been recorded wherein he stated that he is a Truck Driver by profession since 1991 and that the vehicle in question had been got financed from private respondent-Finance Company. Due to Pandemic,

the vehicle did not operate and he failed to pay the installments and that the Finance Company made a demand for recovery of the outstanding installments. The vehicle, however, met with an accident in October, 2020 in Madhya Pradesh that the accident claim has not been paid by the company and an outstanding amount has been shown.

Counsel appearing on behalf of respondents No.4 and 5 submits that possession of the vehicle in question has not been taken and that the present petition also shows that the petitioner only apprehended the dispossession of the vehicle. He further submits that they would act in accordance with law and the regulations framed thereunder.

The present petition involves disputed question of fact and as the specific case of respondents No.4 and 5 is that the possession of the vehicle has not been taken and the same was in the custody of the petitioner, the present petition is disposed of as not pressed at this stage with liberty to the parties to take recourse to the remedies available to them in accordance with law. The petitioner shall also be at liberty to pursue against the private respondents in case the statement made today in Court is found to be incorrect.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 19, 2023

Vishal sharma

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