

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CWP-19748-2022

Decided on : 10.04.2023

Dilbag Singh

.....Petitioner(s)

Versus

Cholamandalam Investment and Finance Company Limited and another

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: None for the petitioner (s).

Mr. Nitin Thatai, Advocate for the respondents.

G.S. Sandhawalia, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing the action of the respondents, whereby they are attempting to forcibly recover the Truck/vehicle of the petitioner with the help of the recovery agents.

2. On 02.09.2022 the following order was passed:-

“Notice of motion for 11.01.2023.

Without following the due process of law, respondents No.1 and 2 are restrained from forcibly taking physical possession of the Truck/Vehicle of the petitioner bearing Registration No.PB-02-EF-4296 in view of the decision of the Supreme Court in **ICICI Bank vs. Parkash Kaur and Others**; (JT-2007(4) SC 39).

The petitioner shall, however, clear the pending installments in six weeks, and continue to pay rest of the installments on time.”

3. Counsel for the respondents on 11.01.2023 had brought to the notice of the Court that there was a default in payment of installments and the pending installments had not been cleared within the stipulated time frame as per the earlier order. Resultantly, it was observed that it would be open for the

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respondent-finance company to take possession of the truck/vehicle by following procedure as mandated by law.

4. Today, Mr. Thatai has placed on record the statement of accounts to show that out of amount which was financed and disbursed i.e. ₹39,38,353/- there was a overdue of ₹4,68,979/-+ other overdue of ₹80,785/- and net receivable amount as on today is ₹5,49,764/-. Mr. Thatai further submits that he has instructions that the vehicle will be possessed in accordance with law and arbitration proceedings are about to be initiated on account of the outstandings.

5. Case has been called twice. Counsel for the petitioner has not come forth.

6. In such circumstances, we are of the considered opinion that no further cause of action accrues to the petitioner, since the respondent-finance company is acting in accordance with law to recover the vehicle by taking recourse of law, which was the original prayer of the writ petitioner.

7. Resultantly, the present writ petition is disposed of by binding the respondent-company to the undertaking given.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

10.04.2023

Naveen

Whether speaking/reasoned :	✓Yes	No
Whether Reportable :	Yes	✓No