



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

124

CR-194-2025 (O&M)
Date of decision:15.01.2025

Kamal Sharma

... Petitioner

Vs.

Sahib Automotive Pvt. Ltd. & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Sunil Polist Advocate for the petitioner.

...

SUKHVINDER KAUR, J.

1. Instant revision petition has been filed by the petitioner/ plaintiff against the order dated 24.09.2024 (Annexure P-5) passed by learned District Judge, Kaithal in CMA-76-2024 titled as 'Sahib Automotive Pvt. Ltd. Vs. Kamal & others, vide which operation of impugned order dated 07.09.2024 passed by trial Court was stayed.

2. Brief facts leading to filing of the present revision petition are that the petitioner/plaintiff filed a suit for mandatory injunction and declaration. It was alleged that he had purchased a car i.e. Tata Harrier XT+Dark Model 2022 chasis No.MAT631133NPF67360, engine No.46343885-4187945 on 11.07.2022 from defendant No.3 i.e. Sahib Automotive Pvt. Ltd, Pundri, Kaithal. Their Executive Sale Manager told the petitioner that they have loan facility from AU Small Finance Bank Ltd. and the petitioner was to pay Rs.5,40,000/- in cash. Petitioner paid Rs.70,000/- from the account of Arti Devi through NEFT in the account



of defendant No.3 and the remaining amount of Rs.4,70,000/- was paid in cash by the plaintiff to the official of defendant No.3. It is also averred that he has paid Rs.11,20,000/- through loan from AU Small Finance Bank and is paying regular installments of the aforesaid loan. He has also paid Rs.2 lacs through a cheque and Rs.3 lacs in cash to defendant No.2 and hence total amount of Rs.21,71,000/- was already paid by the plaintiff for purchase of the said vehicle. Despite making the full payment, defendant No.2 has though delivered the car by issuing gate pass, but has not issued RC, insurance and other bills. During the pendency of the said suit, plaintiff filed an application under Order 39 Rules 1 & 2 CPC read with Section 151 CPC which was allowed by the trial Court directing him to pay Rs.1,52,022/- on account of registration charges to defendant No.2 and then defendant No.2 was to issue the registration certificate in the name of the plaintiff. Plaintiff was also directed to furnish an affidavit to that effect that he had paid the aforesaid amount to defendant No.2 and would not withdraw the same during pendency of the case proceedings. Aggrieved against the said order, defendants/ respondents filed an appeal along with application for stay of the order passed by the trial Court. Notice of the application as well as appeal was issued to the plaintiff but he did not appear. Then notice was issued to counsel who was earlier representing him before the trial Court, but he refused to put appearance on behalf of the plaintiff. Therefore, learned Appellate Court stayed the operation of the impugned order till the next date of hearing. Hence, aggrieved against the said order, plaintiff/petitioner has knocked the doors



of this Court by way of filing the present revision petition.

3. Learned counsel for the petitioner has contended that learned Appellate Court has failed to appreciate the facts and circumstances of the present matter. The petitioner has paid the entire payment against the vehicle to the respondents No.1 & 2 including the R.C. charges, but this fact has been totally ignored by the learned Appellate Court. He has submitted that he will be satisfied if Appellate Court is directed to decide the appeal in a time bound manner.

4. I have heard learned counsel for the petitioner and have perused the record.

5. Keeping in view the above, the present revision petition is disposed of with a direction to the Appellate Court, Kaithal to decide the appeal pending before it against order dated 07.09.2024 of trial Court expeditiously as per law, preferably within a period of one month from the date of receipt of a copy of this order.

6. Disposed of in the aforesaid terms.

7. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

15.01.2025

harjeet

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |