



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

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CRM-M No.63740 of 2024 (O&M)

Date of decision: 07.02.2025

Manjit Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023, for issuance of directions to respondents No.1 to 3 to take appropriate legal action against respondents No.4 and 5, who are trying and making an attempt to forcibly take away the vehicle of the petitioner bearing registration No.HP38-H-2974. Further prayer has been made to direct respondents No.1 to 3 to ensure that respondents No.4 and 5 do not forcibly recover the vehicle of the petitioner.

2. The brief facts of the case are that the petitioner purchased a vehicle bearing registration No.HP38-H-2974, through a loan of Rs.19,00,000/- from respondents 4 and 5. The monthly installment of Rs.49,740/- was due in 60 installments, starting from 05.06.2024, to 05.04.2029. The petitioner has paid Rs.3,00,025/- but still has one installment of Rs.48,155/- due, along with overdue charges of Rs.2,466/-, totaling Rs.50,621/-. Despite making significant payments,

the respondents are attempting to forcibly recover the vehicle due to the two overdue installments, caused by a downturn in the transport business. The recovery agents, along with armed persons, attempted to seize the vehicle of the petitioner on 15.11.2024, but were unsuccessful.

3. Learned counsel for the petitioner submits that due to action of respondents No.4 and 5, the petitioner is unable to use the vehicle to earn an income, fearing further attempts of forced recovery. He further submits that the petitioner also filed a complaint dated 15.11.2024 (Annexure P-2) with the Commissioner of Police, Amritsar, however, no action has been taken so far and furthermore, the respondents are threatening the petitioner to implicate her in false cases by misusing the security cheques.

4. The Hon'ble Supreme Court recently vide its judgment dated 26.02.2007 in case titled as ***“Manager, ICICI Bank Ltd. vs Prakash Kaur and others”*** deprecated and denounced the practice of forcibly taking possession. The observation of Hon'ble Apex Court is as follows:-

"In conclusion, we can say that we are governed by a rule of law in the country. The recovery of loans or seizure of vehicles could be done only through legal means. The bank can not employ Goondas to take possession by force."

5. Notice of Motion.

6. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of respondent – State and submits

that it is duty of the State to protect the life and liberty of every citizen and to ensure that the rule of law is maintained.

7. With the consent of the parties, the present case is taken up for final disposal in view of settled law. The Commissioner of Police, Amritsar – respondent No.2 is directed to take all necessary steps to ensure that there is no obstruction in plying of the vehicle of the petitioner at the behest of respondents No. 4 and 5.

8. The petitioner undertakes to clear entire outstanding amount within a period of 06 weeks from today and will continue to pay the pending installments on time. In case of default of payment, respondents No.4 and 5 are at liberty to take appropriate steps against the petitioner in accordance with law.

9. Disposed of in above terms.

(HARPREET SINGH BRAR)
JUDGE

07.02.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No