

CNR No: PBROA000008602022

CIS No: CS-887/2022

Des Raj Vs. Hinduja Leyland & Anr.

Present: Sh. GS Badwal, Advocate, counsel for the plaintiff.

Suit presented before me during summer vacation being Vacation Judge/Duty Judge as learned Additional Civil Judge (Sr.Divn.), Sri Anandpur Sahib is availing summer vacation. Suit is accompanied with an application for entertaining the suit during vacation being of urgent in nature. Heard. Keeping in view the reasons mentioned in the application, request made therein is allowed. As per office report, there is no caveat in the present case. Further as per report of Reader, court fee is correct. Suit be registered.

Along with suit, another application under Order 39 Rule 1 and 2 CPC also filed by the plaintiff. Heard. Plaintiff has filed the present suit against the defendants for permanent injunction for restraining the defendants from interfering in the peaceful possession over his vehicle i.e. truck bearing No.PB-12M-8049 as detailed in head note of the suit while claiming that he has availed a loan facility from defendants for purchasing the said truck and the amount was reimbursed to him and he purchased the same and he is the lawful owner in possession of said vehicle and since the year 2019, he had regularly paying all the overdue instalment and after Covid-19, he deposited the instalments to the defendants through his recovery team forcibly and illegally and he paid the amount of Rs.2,50,000/- to defendant No.2 in cash in the office of defendant No.1. As per plaintiff, now his work is not up to mark therefore, he failed to pay the instalments. But defendants are bent upon taking the possession of the vehicle illegally and forcibly. Further, plaintiff is ready to pay the instalments regularly. Documents perused. The suit of the plaintiff is accompanied with his duly sworn affidavit. Plaintiff also enclosed

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Registration Certificate, copy of account statement and copy of his Aadhar Car. Keeping in view the pleadings of the plaintiff and documents so enclosed and in the interest of justice, I am of the opinion that if defendants succeeds in taking the vehicle forcibly then plaintiff will suffer irreparable loss in terms of money raised, so the defendants are hereby restrained from taking into possession the said vehicle. Further I made it clear that plaintiff will clear the dues of the defendants as soon as possible. However, this ex parte restrain order is subject to the condition that the plaintiff will comply with the provisions of Order 39 Rule 3 CPC immediately and will ensure the service of defendants for the date fixed positively at own responsibility by taking dasti summons, failing which, the said order shall stand vacated automatically. Notice of the suit as well as stay application be also issued to the defendants for the date fixed on filing copies of plaint and PF. File be put up before learned Additional Civil Judge (Sr.Divn.), Sri Anandpur Sahib for **02.01.2023** for entrustment purpose.

Dated: 30.12.2022

Umesh Kumar, STG Grade-III

Gurpreet Singh, PCS,
Civil Judge (Jr.Divn.)/Vacation Judge,
Sri Anandpur Sahib.
UID No. PB0406