



CR-5311-2019

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

CR-5311-2019

Date of decision: 10.03.2026

M/s Shriram Transport Finance Co. Ltd.

...Petitioner

Versus

Ramesh Kumar

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Nishant Indal, Advocate and  
Mr. Karan Bhardwaj, Advocate for  
Mr. Anil Mehta, Advocate for the petitioner.

Mr. Narender Pal Bhardwaj, Advocate for the respondent.

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**VIKAS BAHL, J. (ORAL)**

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 06.02.2019 passed by the Civil Judge (Junior Division), Karnal whereby the application filed by the petitioner for referring the matter for arbitral proceedings under Section 8 read with Section 5 of the Arbitration and Conciliation Act, 1996 has been dismissed.

2. It is not in dispute that the suit filed by the respondent-plaintiff was for restraining the defendant/petitioner from taking the possession of the vehicle in question illegally in order to recover its dues. The trial Court in the impugned order dated 06.02.2019, had relied upon various judgments



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of the Hon'ble Supreme Court as well as of High Court in which it had been held that the bank/financial institution should resort to the procedure recognized by law to take possession of the vehicle in cases where borrowers may have committed default in payment of installments instead of taking resort to strong arm tactics.

3. On 02.09.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Present: Mr. Anil Mehta, Advocate for the petitioner.*

*\*\*\*\**

*Notice of motion for 30.10.2019.*

*In the meantime proceedings in the Ld. Court below shall remain stayed, subject to the condition that the petitioner shall not forcibly take the possession of the disputed vehicle. 02.09.2019”*

4. Learned counsel for the respondent has submitted that only prayer in the injunction suit was for restraining the defendant from taking forcible possession and by virtue of order dated 02.09.2019, the respondent-plaintiff had been protected.

5. Learned counsel for the petitioner has submitted that there is an arbitration agreement and amount is due from the respondent for which the petitioner wishes to invoke the said arbitration clause.

6. During the course of arguments, a fair stand has been taken on behalf of the petitioner as well as on behalf of the respondent and in view of the same, the present revision petition is disposed of with following observations/directions:-

i) The petitioner/its representative would make a statement before the



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trial Court to the effect that they would not forcibly take vehicle of the respondent-plaintiff and the trial Court would pass necessary orders in pursuance of the same and would decide the suit.

- ii) It would be open to the petitioner to invoke the arbitration clause in order to recover the dues which as per the case of the petitioner is due to them. It is also open to the respondent to raise all the pleas in the said proceedings/arbitration proceedings to defend their case.
- iii) This Court has not opined on the merits of the dispute and appropriate forum/Arbitrator would consider the entire issue in accordance with law.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

**10.03.2026**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-** Yes/No

**Whether reportable:-** Yes/No