



Arbitration clause provides that the arbitration is to be conducted at Chennai whereas the parties are belonging to Haryana - Vehicle loan - Agreement as such is unconscionable and one sided being opposed to public policy - Repossession

[cpc o. 7 r. 11](#) - Bank recovered a vehicle by using force for which [loan](#) installments had already been deposited - Instead of proceeding against the vehicle which was in default, it has chosen to recover the vehicle, for which the dues had already been paid - The arbitration clause itself also provides that the arbitration is to be conducted at Chennai whereas the parties are belonging Haryana - Therefore, the [agreement](#) as such itself is unconscionable and one sided being opposed to public policy - Court below are well justified in retaining the [jurisdiction](#) with them and not referring the matter to arbitration - Even otherwise it is settled principle that the rejection of plaint is serious matter and should only be resorted in the extraordinary circumstances - Arbitration and Conciliation Act, 1996 (26 of 1996), Section 8 (2).

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Tags: [Arbitration S. 8](#), [Arbitration S. 8\(2\)](#), [CPC O. 7 R. 11](#), [Repossession of vehicle](#)