

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 extra-ordinary circumstances – Arbitration and Conciliation Act, 1996 (26 of 1996), Section 8 (2).

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