

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

OP(C).No. 2922 of 2013 (O)

(O.P. 26/2013 of PRINCIPAL DISTRICT COURT, KOZHIKODE)

PETITIONER:

VIPIN.M.P., AGED 26 YEARS,
S/O.BALAKRISHNAN, MEETHELEPUTHIYEDATH HOUSE
PUTHUPPANAM POST, VADAKARA, KOZHIKODE DISTRICT.

BY ADVS.SMT.P.K.PRIYA
SMT.MONCY FRANCIS

RESPONDENTS:

1. MAHINDRA AND MAHINDRA FINANCIAL PVT.LTD.,
HAVING ITS REGISTERED OFFICE AT GATEWAY BUILDING
APOLLO BUNDER, MUMBAI-400001.
2. MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD,
SECOND FLOOR, SADANA HOUSE, BEHIND MAHINDRA TOWERS,
570, P.B.MARG, WORLY,
MUMBAI-400018, MAHARASHTRA.
3. M/S.MAHINDRA NAVISTAR AUTOMOTIVES LTD,
MAHINDRA TOWERS, GM BHAASALE MAR, WORLI,
MUMBAI-400018.
4. M/S.T.V.SUNDRAM IYANGAR AND SONS LIMITED,
NO.38/3920, A & B, GOLF LINK ROAD,
CHEVARAMBALAM POST, KOZHIKODE-673105.
5. MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD,
NOYAL HOUSE, FOURTH FLOOR, THRIKKAKARA POST
KAKKANAD, KOCHI-682030.

R5 BY ADV. SRI.DEVAPRASANTH.P.J.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 23-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

- P1 THE TRUE COPY OF THE COMPLAINT C.C.58/12 FILED BY THE PETITIONER BEFORE THE CONSUMER REDRESSAL FORUM.
- P2 THE TRUE COPY OF THE NOTICE DATED 5.9.2012 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- P3 THE TRUE COPY OF THE INJUNCTION ORDER GRANTED BY THE PRINCIPAL DISTRICT COURT, KOZHIKODE IN I.A.125 OF 2013 IN O.P.26 OF 2013.
- P4 THE TRUE COPY OF THE NOTICE ISSUED BY THE ARBITRATOR TO the PETITIONER.
- P5 THE TRUE COPY OF APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE ARBITRATOR.
- P6 COPY OF CHEQUE ISSUED TO 5TH RESPONDENT.
- P7 COPY OF BANK STATEMENT DTD. 10.9.13
- P8 COPY OF CHEQUE ISSUED TO 5TH RESPONDENT.
- P9 COPY OF BANK STATEMENT DTD. 31.8.14.
- P10 COPY OF CHEQUE ISSUED TO 5TH RESPONDENT DTD. 30.9.14.

RESPONDENT(S)' EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.2922 OF 2013

Dated this the 23rd day of January, 2015.

J U D G M E N T

When the original petition was taken up today for hearing, learned counsel appearing for the petitioner pointed out that the petitioner may be allowed to pay six instalments of Rs.50,000/- (Rupees Fifty Thousand only) each which, according to the petitioner is sufficient to wipe off the debt but which is opposed by the respondents who say that it may not be sufficient at all to wipe off the decree debt. Then the prayer of the petitioner was that after the 6th instalment is paid, if respondents have any case that further amount is due, the matter could be decided by the Arbitrator which is acceptable to respondents also.

2. This original petition is disposed of enabling the petitioner to pay six instalments of Rs.50,000/- each, first of which shall be paid on or before 20.02.2015 and subsequent instalments on or before 20th of subsequent months and after the 6th instalment is paid, if there is any dispute regarding further

amount due, the matter shall be considered by the Arbitrator. It is made clear that in case the petitioner defaults any one of the payments, proceedings may continue. It is also made clear that in case instalments are promptly paid, re-possession of the vehicle shall not be taken by the respondents.

Sd/-

P.BHAVADASAN
JUDGE

smp