

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 2162 of 2015 (U)

PETITIONER :

**M/S.CHOLAMANDALAM INVESTMENT AND FINANCE CO. LTD.,
HAVING ITS REGISTERED OFFICE AT DARE HOUSE, NO.2
N.S.C.BOSE ROAD, PARRYS, CHENNAI - 600 001
AND HAVING ITS REGIONAL OFFICE AT SECOND FLOOR
THEKKEKARA COMMERCIAL CENTRE, PADIVATTOM
KOCHI - 682 024
REPRESENTED BY ITS AUTHORIZED SIGNATORY
T.P .NAVEEN, AREA LEGAL MANAGER (KERALA).**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S) :

- 1. THE JOINT REGIONAL TRANSPORT OFFICER
OFFICE OF THE JOINT R.T.O., NEDUMANGAD
THIRUVANANTHAPURAM DISTRICT - 695 005.**
- 2. PADMAKUMAR J.B.,
D.NO. 3/759(124), VELLANAD
THIRUVANANTHAPURAM DISTRICT - 695 007.**

R1 BY GOVT. PLEADER SRI. R. RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 2162 of 2015 (U)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: TRUE COPY OF THE LOAND AGREEMENT.**
- EXT.P2: TRUE COPY OF THE STATEMENT OF ACCOUNTS OF THE LOAN
ACCOUNT OF THE SECOND RESPONDENT.**
- EXT.P3: TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
BEFORE THE FIRST RESPONDENT ON 22/12/2014.**
- EXT. P4: COPY OF THE APPLICATION FOR FRESH REGISTRATION CERTIFICATE
SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT
ON 26.3.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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K.VINOD CHANDRAN, J.

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W.P.(C) No.2162 of 2015

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Dated this the 31st day of March, 2015

JUDGMENT

The petitioner is the financier of a vehicle, which stands registered in the name of the 2nd respondent. The 2nd respondent committed default of the hire payments to the petitioner, as well as the tax to the Government. The vehicle bearing registration No.KL-21-C-7018 was hence taken possession of by the 1st respondent for alleged tax dues. The petitioner has approached this Court contending that they being the financier have the right to take possession of the vehicle on default being committed in the finance repayments as per the hire purchase agreement. The petitioner has sought for transfer of registration as per Ext.P4 and also undertakes to satisfy the tax dues to the Government.

2. In such circumstance, considering the provisions of Section 51 of the Motor Vehicles Act, 1988, the application

filed at Ext.P4 shall be considered expeditiously, at any rate, within three weeks from the date of production of a certified copy of this judgment with notice to the 2nd respondent and after payment of the tax due on the vehicle. On transfer of registration being made, the petitioner shall be given possession of the vehicle; provided the entire tax dues are satisfied. The 2nd respondent has not cared to appear before this Court, despite acceptance of notice in the above writ petition.

Writ petition disposed of. No costs.

Sd/-
K.VINOD CHANDRAN, JUDGE

vdv