

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 6520 of 2015 (L)

PETITIONER :

**M/S.INDUS IND BANK LTD.,
(VEHICLE FINANCE DIVISION), RAMA BHAVAN,
PARUTHELIPALAM, TOLL JUNCTION, EDAPPALLY, KOCHI - 682 024
REPRESENTED BY ITS LEGAL EXECUTIVE AJAY M.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.
ADV.SMT.SMITHA PRAVEEN**

RESPONDENTS :

**1. REGIONAL TRANSPORT OFFICER,
THIRUVANANTHAPURAM DISTRICT - 686 635.**

**2. MR.NAZEER
S/O. ABDUL AZEEZ, 6/765, MUSLIM POURNAMI,
T.V CENTRE, KUDAPPAKUNNU
THIRUVANANTHAPURAM - 695 043.**

**R1 BY GOVERNMENT PLEADER SRI.G. GOPAKUMAR
R2 BY ADVS. SRI.L.MOHANAN
SMT.LIGEY ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE APPLICATION DT. 01.12.14 FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT FOR ISSUANCE OF FRESH REGISTRATION
CERTIFICATE.
- P2: TRUE COPY OF THE RECEIPT FOR RS. 200/- ISSUED BY THE 1ST
RESPONDENT'S OFFICE BEING THE FEES FOR CONSIDERING EXT. P1
APPLICATION VIDE RECEIPT DT. 05.12.14.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.6520 of 2015

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Dated this the 23rd day of June, 2015

JUDGMENT

The petitioner is seeking a direction to the respondents to consider Ext.P1 application for fresh registration certificate within a time frame.

2. The petitioner is a company registered under the Companies Act and is governed by the Banking Regulation Act, 1949. The petitioner alleges that he has financed the 2nd respondent for purchasing a 2012 model 32 seater Ashok Leyland Bus bearing Reg. No.KL-01 BJ-5739 vide loan agreement dated 27.12.2012. When the second respondent defaulted repayment, he had to exercise the right of re-possession vested under the hypothecation agreement and the vehicle was repossessed on 1.12.2014 and the same is in the custody of the petitioner.

3. After getting possession of the vehicle, the petitioner filed Ext.P1 application 1.12.2014 for issuance of fresh registration certificate under Section 51(5) of the Motor Vehicles Act before the

first respondent. However, the first respondent has not issued the certificate even after a lapse of two months from the date of Ext.P1. Hence, this writ petition.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

Considering the nature of the relief sought for and the submissions made by the learned counsel for the petitioner, this writ petition is disposed of directing the respondents to consider and pass appropriate orders on Ext.P1 application submitted by the petitioner for fresh registration certificate within a period of one month from the date of receipt of a copy of this judgment.

To facilitate early action, it shall be open to the petitioner to produce a copy of this judgment as well as copy of the writ petition before the respondent concerned at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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