

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 13906 of 2015 (K)

PETITIONER :

**SUBAIR M., AGED 60 YEARS,
S/O MOHAMMED KUNJU, HOUSE NO.7/517A,
KOTTAPURATH (H), AROOR P.O., CHERTHALA-688534.**

**BY ADVS.SRI.PRAVEEN K. JOY
SRI.TA.JOY**

RESPONDENTS :

- 1. DEPUTY TRANSPORT COMMISSIONER,
CENTRAL ZONE, PADAMUKAL, ERNAKULAM.**
- 2. THE JOINT REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, TRIPUNITHURA.**
- 3. REGIONAL TRANSPORT OFFICER,
TRIPUNITHURA.**
- 4. SUB REGIONAL TRANSPORT OFFICE,
TRIPUNITHURA, ERNAKULAM.**

ADDL. R5 IMPEADED :

- 5. NIPPON MOTOR CORPORATION PVT. LTD.
A COMPANY INCORPORATED UNDER THE COMPANIES ACT
REPRESENTED BY ONE OF ITS PRINCIPAL OFFICER,
AND SALES HEAD MR.BIJU PETER
AGED 45 YEARS, S/O.A.M.PETER, SALES HEAD
NIPPON MOTOR CORPORATION PVT. LTD., NETTOOR
KOCHI - 682 040.
ADDL.R5 IS IMPEADED AS PER ORDER DATED 21.05.2015 IN IA 6462/15.**

**R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI. G. GOPAKUMAR
ADDL. R5 BY ADV. SRI.P.VISWANATHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: THE TRUE PHOTOCOPY OF THE TEMPORARY REGISTRATION CERTIFICATE OF THE 3RD RESPONDENT.
- EXHIBIT P2: THE TRUE PHOTOCOPY OF THE ORDER BOOKING FROM DATED 23.12.2014 OF TOYOTA.
- EXHIBIT P3: THE TRUE PHOTOCOPY OF THE LETTER DATED 18.2.2015 TO THE 2ND RESPONDENT.
- EXHIBIT P4: THE TRUE PHOTOCOPY OF THE MEDICAL CERTIFICATE DATED 20.2.2015 OF DR. JAYARAM.
- EXHIBIT P5: THE TRUE PHOTOCOPY OF THE NOTICE DATED 2.3.2015 OF THE 2ND RESPONDENT.
- EXHIBIT P6: THE TRUE PHOTOCOPY OF THE ORDER DATED 11.3.2015⁶ WHICH WAS COMMUNICATED ON 17.3.2015.
- EXHIBIT P7: THE TRUE PHOTOCOPY OF THE APPEAL BEFORE THE 1ST RESPONDENT.
- EXHIBIT P8: THE TRUE PHOTOCOPY OF THE ORDER DATED 22.4.15 OF THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS :

- EXT.R5(a): COPY OF THE LETTER OF AUTHORITY.
- EXT.R5(b): COPY OF THE ORDER BOOKING FORM DT 23/12/2014.
- EXT.R5(c): COPY F THE WRITTEN REQUEST GIVEN BY THE WRIT PETITIONER.
- EXT.R5(d): COPY OF THE TEMPORARY REGISTRATION CERTIFICATE DT 31/1/2015.
- EXT.R5(e): COPY OF THE LETTER DT 18/2/2015.

//TRUE COPY//

P.A. TO JUDGE

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.13906 of 2015

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Dated this the 26th day of June, 2015

JUDGMENT

As per the interim order of this Court dated 12th June, 2015 the petitioner was directed to clear all the dues outstanding in his name as per the hire purchase agreement to the satisfaction of the 5th respondent within a period of one week.

2. Today, the learned counsel for the petitioner produced a copy of the letter issued by the financier which reveals that the existing loan with them has been re-booked for the vehicle with effect from 23.6.2015. It was stated that the old loan has been cancelled in the records and new loan was booked for the vehicle Etios 1.5 VX.

3. The learned counsel for the 5th respondent produced an email from the dealer wherein it is stated that the petitioner has done a new booking for his existing loan to the new vehicle. It was also stated that the financing company is ready to supply another vehicle if this Court directs the R.T.O to cancel the temporary

registration issued in respect of the existing vehicle bearing VIN No.MBJK49BTX00068002.

In the light of the above, the writ petition is disposed of directing the 3rd respondent to cancel Ext.P1 temporary certificate of registration. The 3rd respondent shall also ensure that the aforesaid entry in the server regarding Ext.P1 shall stand deleted to avoid future complications in the matter.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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