

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 14953 of 2015 (T)

PETITIONER:

**SHANMUGHA DAS,
S/O.KANJIRAPARAMBIL MAMA, KANJIRAPARAMBIL HOUSE,
PERINJANAM P.O, -680 686, THRISSUR DISTRICT.**

**BY DR.K.P.SATHEESAN,SENIOR ADVOCATE
ADVS.SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR**

RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF TRANSPORT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,PIN-695 001**
- 2. THE REGIONAL TRANSPORT OFFICER,
MOTOR VEHICLES DEPARTMENT, COLLECTORATE, AYYANTHOLE,
THRISSUR DISTRICT.**
- 3. THE MANAGER,
INTEGRATED FINANCE CO. LTD, OFFICE NEAR SAKTHAN STAND,
THRISSUR -680 001**
- 4. THE JOINT REGIONAL TRANSPORT OFFICER,
MOTOR VEHICLES DEPARTMENT,
SUB REGIONAL TRANSPORT OFFICE,
KODUNGALLUR- 680 664**

R,R2 & R4 BY GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 14953 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT P1:- TRUE COPY OF REPRESENTATION DTD 5/3/2015 SUBMITTED BY THE
PETITIONER TO THE 3RD RESPNDENT**

**P2:- TRUE COPY OF REGISTRATION PARTICULARS OF THE PETITIONERS
VEHICLE**

**P3:- TRUE COPY OF REPRESENTATION DTD NIL SUBMITTED BEFORE THE
4TH RESPONDENT BY THE PETITIONER.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 14953 of 2015

Dated this the 10th day of July, 2015

J U D G M E N T

The petitioner has approached this Court for directing the 4th respondent to issue duplicate of the registration certificate to the petitioner and to endorse the hypothecation termination on the duplicate.

2. The petitioner alleges that he is the absolute owner in possession of a motor cycle, Enfield Bullet, bearing Reg.No.KL 8 AC 7497. The hypothecation of the vehicle was taken by the petitioner from the 3rd respondent. The petitioner had availed a loan from the 3rd respondent and the petitioner has paid the entire amount towards the loan account; it is alleged. According to the petitioner, he requested the 3rd respondent several times to terminate the agreement and to close the loan account as the entire amount was paid by the petitioner. He further alleges that he could see that the 3rd respondent's

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office has been closed and they have closed the business; and now, he is not able to find out the address of the 3rd respondent. Though the petitioner also requested the 3rd respondent vide letter dated 05.03.2015 to terminate the hypothecation agreement as the entire amount is paid, no reply has been received from the 3rd respondent till date; it is alleged. He further alleges that he had lost his original RC book in respect of the said vehicle and he had submitted a complaint before the Mathilakam Police and an enquiry report has been received from the said police station. Therefore, the petitioner has to obtain a duplicate RC book and the hypothecation termination has to be endorsed in the said duplicate RC book urgently. However, since the 3rd respondent's office has been closed, the petitioner is unable to get a termination certificate from the 3rd respondent. Therefore, the petitioner submitted a representation before the 4th respondent seeking issue of a duplicate RC book also for endorsing the hypothecation termination in the duplicate

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RC book. According to the petitioner, he is ready and willing to clear off any further dues to the 3rd respondent even if the hypothecation termination is endorsed in the duplicate RC book, which is to be issued. It is with this background, the petitioner has come up before this Court.

3. Though notice has been served on the 3rd respondent, who is the financier, it was returned with an endorsement that the addressee has left.

4. The learned counsel for the petitioner would submit that the 3rd respondent bank is not functioning in the aforesaid office at present. It was further submitted that the petitioner is not in a position to trace out the 3rd respondent and he is not in a position to get an endorsement from the financier. It was also submitted that he is ready to undertake that he would make himself responsible to make good any loss sustained to anyone on account of the issuance of duplicate of registration certificate.

Considering the entire facts and circumstances of

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the case, the writ petition is disposed of directing the 4th respondent to issue a duplicate registration certificate in the name of the petitioner and to endorse the termination of hypothecation on the duplicate registration certificate, on production of proof regarding the payment of outstanding dues to the 3rd respondent, within a period of two weeks from the date of receipt of a copy of this judgment.

However, it is hereby made clear that the issue of registration certificate and the endorsement of termination of hypothecation shall be subject to any rightful claim, that may be raised by the 3rd respondent in future.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-