

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 22577 of 2015 (V)

PETITIONER :

**SREI EQUIPMENT FINANCE PRIVATE LIMITED 32/2475 A1,
"PRATHEEKSHA", PALARIVATTOM P.O., COCHIN-682025
REPRESENTED BY ITS ASSOCIATE VICE PRESIDENT SRI.NANDAKUMAR.**

BY ADV. SRI.R.DIVAKARAN

RESPONDENT :

**THE JOINT REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, KAKKANAD, ERNAKULAM.**

***ADDL. R2 IS SUO MOTU IMPLEADED**

***ADDL.R2. THE REGIONAL TRANSPORT OFFICER
THRISSUR.**

***IS SUO MOTU IMPLEADED AS PER ORDER DT. 3/8/2015.**

R1 & R2 BY GOVT. PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 22577 of 2015 (V)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1 TRUE COPY OF TEMPORARY CERTIFICATE OF REGISTRATION DATED
 14.3.2013.**

EXT. P2 A COPY OF THE LETTER SENT BY LIJO JOSEPH TO THE PETITIONER.

**EXT. P3 TRUE COPY OF APPLICATION FOR REGISTRATION OF THE VEHICLE
 SUBMITTED BEFORE THE JOINT RTO, ERNAKULAM DATED 29.6.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.22577 of 2015

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Dated this the 3rd day of August, 2015

JUDGMENT

The petitioner has come up before this Court for a direction to the respondent to register his vehicle in the R.T.O Office at Ernakulam.

2. The petitioner is a registered company carrying on the business of granting financial assistance to its customers for acquiring loan-cum-hypothecation business of various equipments. Under the hypothecation agreement dated 8.3.2013 with one Lijo Joseph, Vadakkan House, Kuttikkad, Thrissur, a vehicle viz., 3 Tata 315 E Backhoe-Loader having Chassis No.315E2863 with Engine No.497TC99JXY855742 of Telco Construction Equipment was delivered to said Lijo Joseph. After delivering the vehicle, the respondent registered the same in the address of the purchaser of the vehicle temporarily for one month as per Ext.P1.

3. After five months, the purchaser failed to repay the installments as agreed to. Therefore, the petitioner approached the Arbitraral Tribunal and took custody of the vehicle. As per Ext.P2, the vehicle was handed over to the petitioner. After handing over the vehicle, the petitioner with a view to register the vehicle at the

RTO Office, Ernakulam submitted Ext.P3 application along with sale certificate in Form No.21, temporary certificate, Form No.22 invoice and signed Form No.20 for registration. However, the same was not considered by the respondent on the ground that as per Ext.P1 the vehicle was initially registered on temporary basis in the address of the purchaser at his Thrissur address. The petitioner alleges that there is no negligence on his part in not registering the vehicle in time.

4. The petitioner points out that his office is at Ernakulam and the intending purchaser of the vehicle is from Ernakulam. Hence, he wants to register the vehicle with the RTO, Ernakulam. The petitioner further points out that now the vehicle is lying idle in the company premises for want of registration. It is with this background, the petitioner has approached this Court.

5. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader in the matter.

6. The learned Senior Government Pleader on instructions submitted that Ext.P3 application was not considered by the respondent on the ground that the vehicle was initially registered on a temporary basis in the address of the purchaser at Thrissur and, therefore, the RTO, Ernakulam has no jurisdiction.

7. The learned counsel for the petitioner that submitted that the petitioner has submitted the originals of all the documents.

Therefore, the writ petition is disposed of directing the petitioner to approach the Regional Transport Officer, Thrissur, who is *suo motu* impleaded as additional 2nd respondent in the writ petition, with an application for registration of the vehicle in his name. In the event of filing such an application the 2nd respondent shall consider the same and a decision shall be taken in accordance with law, expeditiously, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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