

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.M.P.No.42359 of 2015

and

W.P.No.24795 of 2015

ORDER:

Heard.

The petitioner states that Tata Safari vehicle bearing No.AP-10-BC-7731 was purchased by his wife by obtaining loan from the respondent bank to a tune of Rs.8,00,000/- on 28-11-2012. The said vehicle was allotted registration No.AP-10-BC-7731 with Engine number and chasis number as set out in paragraph '2' of the writ affidavit. The petitioner also states that he paid monthly instalment of Rs.18,200/- till January, 2015 and the outstanding amount now payable as against the said loan amount is also reasonable. He states that there are differences between the petitioner and his wife and one of the terms of the settlement of the said dispute is that the petitioner shall clear of the loan against the said vehicle.

The grievance in the present writ petition is that the respondent bank has seized the vehicle without following the due procedure and it is not prepared to accept repayment of loan amount by the petitioner.

Learned Standing counsel for the respondent Bank, however, states that the borrower herself voluntarily surrendered the vehicle as per her letter, dated 22-07-2015 and the petitioner being not the borrower, the respondent Bank is not concerned with the petitioner and has no locus standi to seek relief with regard to the said vehicle.

The petitioner counsel, however, has moved W.P.M.P.No.42359 of 2015 seeking a direction to the respondents to receive entire outstanding loan amount from the petitioner and release the vehicle.

Learned counsel for the petitioner also submits that the petitioner would fulfill his obligation to pay the entire outstanding as per the claim of the respondents and

the vehicle may be released to the borrower.

Learned Standing Counsel for the respondents has no objection for the same.

Hence, if the petitioner is willing to pay the entire loan amount, as above, to the Bank, the respondent Bank shall receive the same and if the borrower approaches the respondent bank for release of the vehicle, the vehicle will be released to the borrower.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed

VILAS V.AFZULPURKAR, J

Date: 04-11-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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