



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.08.2018

CORAM

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A.(MD)No.977 of 2015

Jeyapandi

.. Appellant

Vs.

1. The General Manager,
(Private Financial Institution)
Reserve Bank of India,
Kamarajar Salai, Chennai.
2. The General Manager,
Sriram Equipment Finance Company Limited,
3rd floor, Moohambiga Complex,
No.4, Lady Desiga Road,
Mylapore, Chennai-4.
3. The Regional Manager,
Sriram Equipment Finance Company Limited,
Byepass Road, Madurai.

.. Respondents

Prayer : Writ Appeal filed under Section 15 of Letters Patent, to set aside the order dated 06.08.2015 passed by this Court made in W.P.(MD).No.4328 of 2015.

Prayer in WP(MD)No.4328/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus, directing the 1st Respondent to take appropriate action as against the 2nd 3rd Respondents for having seized the petitioner s JCB Vehicle bearing Registratio No. TN 67 AD 9466 illegally and non returning back the same to the petitioner even after making the payment of arrears towards loan installments to the 3rd respondent based on the petitioner s representation dated 27.02.2015 made to the 1st respondent.

For Appellant : Mr.K.Kannan

For R-1 : No Appearance

For R-2 and R-3 : Mr.Ananth C.Rajesh

**JUDGMENT**

**[Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.]**

WLB COPI This Writ Appeal is directed against the order dated 06.08.2015 passed in W.P.(MD).No.4328 of 2015.

2. The writ petition was dismissed as the relief sought for in the writ petition had become infructuous. The prayer in the writ petition was for a Writ of Mandamus, directing the first respondent to take appropriate action against the second and third respondents for having seized the petitioner's JCB vehicle for not returning the same despite offering the loan installments upto date.

3. From the order impugned, it is seen that the vehicle itself was sold for a sum of Rs.6,80,000/- (Rupees Six Lakhs and Eighty Thousand Only) and was credited to the account of the appellant/writ petitioner. Since the vehicle had already been sold, the prayer in the writ petition, to return the vehicle, does not arise. Whether the appellant was interested in making one time settlement or not, are all matter of evidence.

4. As the prayer sought for by the appellant/writ petitioner, cannot be answered by this Court, the order passed in the writ petition is correct and no interference is warranted.

5. In the result, the writ appeal is dismissed. It is open to the appellant to take any appropriate action as may be advised in the manner known to law. No Costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar(CS-II)

+ 1 CC TO Mr.K.KANNAN, ADVOCATE IN SR No. 77780
+ 1 CC TO Mr.ANANTH C.RAJESH, ADVOCATE IN SR No. 77623

PM

TE/RP/SAR-2 : 28/08/2018 : 2P/3C

Judgment made in
W.A. (MD) No.977 of 2015
07.08.2018