

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 740 of 2018**

(Arising out of order dated 20.08.2018 passed in WP(C) No.2441 of 2018 by the learned Single Judge)

- Kuljeet Singh S/o Varyam Singh Aged About 48 Years R/o L.I.G. 246, Hudco Bhilai, District- Durg, Chhattisgarh.

----Appellant**Versus**

1. State Of Chhattisgarh Through Appellate Officer Cum Additional Transport Commissioner, Chhattisgarh, Naya Raipur, Chhattisgarh.
2. State Of Chhattisgarh Through Office Of The Additional Regional Transport Officer Durg, Chhattisgarh.
3. Hindustan Leland Finance Ltd Through Regional Manager, Sunder Nagar Road Mahdevghat Raipur, District- Raipur, Chhattisgarh.
4. Hindustan Leyland Finance Ltd Through Branch Manager, Nehru Nagar, Bhilai, Durg, District- Durg, Chhattisgarh.

---- Respondents**AND****WA No. 763 of 2018**

(Arising out of order dated 20.08.2018 passed in WP(C) No.2119 of 2018 by the learned Single Judge)

- Kuljeet Singh S/o Varyam Singh Aged About 48 Years R/o L.I.G. 246, Hudco Bhilai, District- Durg, Chhattisgarh.

----Appellant**Versus**

1. State Of Chhattisgarh Through Appellate Officer Cum Additional Transport Commissioner, Chhattisgarh, Naya Raipur, Chhattisgarh.
2. State Of Chhattisgarh Through Office Of The Additional Regional Transport Officer Durg, Chhattisgarh.
3. Hindustan Leland Finance Ltd Through Regional Manager, Sunder Nagar Road Mahdevghat Raipur, District- Raipur, Chhattisgarh.
4. Hindustan Leyland Finance Ltd Through Branch Manager, Nehru Nagar, Bhilai, Durg, District- Durg, Chhattisgarh.

---- Respondents

For Appellant	:Shri Jitendra Gupta and Shri Santosh Kumar Gautam, Advocates
For State	: Shri Faiz Kazi, Panel Lawyer.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****Per, Ajay Kumar Tripathi, Chief Justice****11.02.2019**

1. Heard learned counsel for the Appellant as well as the State.
2. Appeals are against the order of the learned Single Judge dated 20.08.2018 whereby the learned Single Judge has dismissed the writ petitions refusing to

interfere with the decision of the registering authority to transfer the registration of the hire purchased vehicle in favour of the hire purchaser. The learned Single Judge took note of the legal provision i.e. Section 51 (5) of the Motor Vehicles Act, 1988 (in short, “the Act, 1988”) where the registering authority has exercised the power on a demand made by hire purchaser after its repossession due to the so called default in repayment as per the hypothecation agreement.

3. Submission of the counsel for the Appellant is that the objection so raised before the registering authority on behalf of the Appellant was hardly entertained. Despite repeated demands, the Finance Company did not provide the details of the accounting showing default. His stand is that repayments have been done regularly.
4. This Court is not required to go into the issue of settlement of accounts as the issue was not repossession before the writ Court, but the decision of the registering authority on whom an obligation for exercise of power under Section 51 (5) of the 1988, Act was lodged.
5. We do not find any infirmity with the decision of the learned Single Judge. The appeal is dismissed, however, if the Appellant demands the details of the account of repayment done by him, the Finance Company will have a duty and obligation to provide the authentic copy thereof within a period of 8 weeks of such a demand.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge