



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2020

CORAM

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No.7974 of 2020

Anitharajabai

... Petitioner

Vs.

1.The Regional Director,
Reserve Bank of India,
Fort Glacis, Rajaji Salai,
Chennai-600 001.

2.The Managing Director,
Hinduja Leyland Finance Ltd.,
No.1, Sardhar Patel Road,
Guindy, Chennai.

3.Transunion CIBIL Limited,
(Formerly known as Credit Information Bureau(India) Ltd.,
One Indiabulls Centre,
Tower 2A, 19th Floor,
Senapathi Bapat Marg, Elphinstone Road,
Mumbai 400 013.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the second respondent to return the original invoice of petitioner's L & T vehicle purchased under No.Tntvkn00115 with the second respondent after the receipt of the payment by the petitioner and consequently direct the second and third respondents to remove the loan due entry in CIBIL report based on the petitioner's notice dated 15.06.2020.

For Petitioner : Mr.M.Gnanagurunathan

For Respondent No.2 : No appearance

R1 and R3 dispensed with.

ORDER

Heard the learned counsel appearing for the writ petitioner.

2.The relief is sought only against the second respondent. Notice was issued to the second respondent and the second respondent has since been served. Proof of Service has been filed and the name of the second respondent is also printed in the cause list. But there is no appearance on behalf of the second respondent. Since respondents 1 and 3 are unnecessary parties, notice to them was dispensed with at the admission stage itself.

3.The petitioner is said to have availed financial assistance from the second respondent herein. The petitioner states that he had cleared all the dues. But the second respondent is insisting on



payment of penal charges, since according to the second respondent, the petitioner was not regular in servicing the loan. The petitioner now tells the Court that he is ready to pay the penal charges also. All that the petitioner wants is that the second respondent should return the original invoice of the petition mentioned vehicle. He also wants the entry made in the CIBIL report to be deleted thereafter.

4.I find the petitioner's offer to be fair and reasonable. Therefore, the petitioner is directed to send a formal communication along with a copy of this order to the second respondent, in which the petitioner will offer to pay the penal charges that may be quantified by the second respondent as per the loan agreement. The second respondent is directed to respond to such a communication within a period of two weeks from the date of receipt of a copy thereof. If the petitioner pays the penal charges as quantified by the second respondent, the second respondent will immediately return the petitioner's original invoice pertaining to the petition mentioned vehicle without any delay. The second respondent will also thereafter inform the third respondent to delete the entry in question.

5.Recording the petitioner's undertaking, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pnn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Managing Director,
Hinduja Leyland Finance Ltd.,
No.1, Sardhar Patel Road,
Guindy, Chennai.

+1 CC to Mr.M. GNANAGURUNATHAN, Advocate (SR-16741[F] dated 14/09/2020)

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VB (17.09.2020) 2P 3C

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