

ODC-13

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Via Video Conference]

AP/479/2021

BRIJ MOHAN GUPTA
Versus
MAHINDRA AND MAHINDRA FINANCIAL SERVICES LIMITED

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 23rd December, 2021

Appearance:
Mr. Priyankar Saha, Adv.

Mr. Debanik Banerjee, Adv.
Mr. Rohan Ojha, Adv.
Mr. S. Biswas, Adv.

The Court: This is an application under Section 9 of the Arbitration and Conciliation Act, 1996. The petitioner has made this application in view of the exorbitant demand made by the respondent finance company.

It appears that the petitioner had entered into an agreement dated 31st August, 2016 whereby the petitioner was obliged to make payments of 46 installments to the respondent finance company. It is an admitted position that the petitioner has made payment of 44 installments out of 46 installments and only two of such installments aggregating to Rs.99,999/- are due and payable by the petitioner.

This application is made for release of the subject vehicle bearing No. NL01Q 3389 which is the subject-matter of the agreement. It is submitted on

behalf of the petitioner that notwithstanding having paid the aforesaid 44 installments, the respondent finance company is unlawfully and illegally demanding an additional sum of Rs.2.80 lakhs

I have heard the parties.

I am of the view that in view of the fact that the petitioner has admittedly made payment of 44 installments out of 46 installments. A substantial portion of the installments under the agreement has already been paid. Accordingly, the respondent finance company is bound to take a more practical view in this matter.

In view of the aforesaid, the petitioner is directed to pay a sum of Rs.1.25 lakhs to the respondent finance company as full and final settlement. If such payment is made by the petitioner to the respondent finance company, the subject vehicle will be forthwith transferred to the petitioner with all necessary documents of title including the No Objection Certificate.

The petitioner is granted liberty to complete the aforesaid exercise within two weeks from the date of this order.

In view of the aforesaid, AP/479/2021 is disposed of.

(RAVI KRISHAN KAPUR, J.)