

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7595 of 2022

=====

Gurudayal Singh Son of Late Satyadeo Singh, resident of Village Lala Bhadsara, Belhauri, P.O.-Lala Bhadsara, P.S.-Dulhin Bazar, Patna, Pin-801102 (Bihar).

... .. Petitioner/s

Versus

1. Hinduja Leyland Finance Limited (Erstwhile Ashok Leyland Finance Ltd.) having its registered office at No. 1, Sardar Patel Road, Guindy, Chennai-600032, Tamil Nadu.
2. Hinduja Leyland Finance Limited through Sachin Pillai, its C.E.O. having its registered office at No. 1, Sardar Patel Road, Guindy, Chennai-600032, Tamil Nadu.
3. Hinduja Leyland Finance Limited through Branch Manager, Ravindar Kumar, having its office situated at B/8, Sri Krishna Puri, Sahdeo Mahto Marg, Patna-800001, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Apurva Kumar, Advocate
Mr. Avinash Chandra, Advocate
Mr. Kumar Vikram, Advocate

For the Respondent/s : Mr. Dayanand Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



- a. for issuance of an appropriate writ for directing upon the respondents to release the hypothecated vehicle of petitioner in his favor, having its description as vehicle make & model JCB 3DX BACKHOE LOADER for his livelihood bearing reg no.BR01GK0395 and Eng No. H00278903. Chassis No. HAR3DXSSV02977830.
- b. for direction upon the respondents to immediately and forthwith direct and call upon the petitioner and to settle the disputes as petitioner is ready to pay overdue amount and interest thereon without any penal interest.
- c. for directing the respondent/s to provide a fair opportunity to the petitioner to represent his case as till date no concrete step has been taken by respondent, to settle the outstanding loan in favor of petitioner, despite petitioner being ready for same (to settle the outstanding loan against the finance company), also direction to respondent for providing a chance for one time settlement to petitioner.
- d. for restraining the respondent/s from selling the vehicle of petitioner further to maintain the *status quo* and to act as per principal of natural justice and *audi alteram partem*.
- e. for commanding the sole respondent to allow the petitioner to settle the loan, thereafter release the hypothecated vehicle in question in favor of petitioner and thereafter to take the possession of vehicle to learn his livelihood.
- f. for issuance of an appropriate writ for commanding the respondents to act in accordance with law.
- g. for any other reliefs for which petitioner is entitled during the course of arguments under law as well as facts.

In view of the fact that Debts Recovery Tribunal is now functional, learned counsel for the petitioner, under



instructions, seeks permission to take recourse to such other appropriate remedies, as are otherwise available, in accordance with law.

Prayer allowed.

Learned counsel for the respondents states that if the petitioner were to approach with bona fide offer, the same shall be considered and decided in accordance with law.

In view of the aforesaid, we dispose of the present petition reserving liberty to the petitioner to approach before the appropriate authority on 01.08.2022 at 10:30 A.M.

We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be agitated and adjudicated before the appropriate forum in appropriate proceedings.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	28.07.2022
Transmission Date	

