

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.550 of 2017

<i>Jamsida Khanam</i>		<i>Appellant</i>
		Mr. T. Barik, Advocate
	-versus-	
<i>Reserve Bank of India and others</i>		<i>Respondents</i>

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
19.10.2022**

Order No.

05. 1. By the impugned order dated 19th December, 2017 in W.P.(C) No.22019 of 2017 filed by the present Appellant against Tata Motor Finance Solutions Ltd. (Respondent No.2) has been dismissed on the ground of maintainability by the learned Single Judge. Reference has been made by the learned Single Judge to the orders, *inter alia*, the judgment in ***Citicorp Maruti Finance Ltd. v. S. Vijayalaxmi, (2012) 1 SCC 1***. This is indeed the consistent legal position as been settled in a large number of decisions. The Court is unable to find any error having committed by the learned Single Judge.
2. It is then contended that initially while issuing notice in the writ petition, the learned Single Judge has required the Appellant to deposit 50% with the private finance company. The fact remains that it was only an interim order and did not decide the issue of maintainability.

3. It is thirdly contended that it should be open to the Appellant to approach the finance company for rephasing the loan. It is clarified that the orders of the learned Single Judge or this Court would not come in the way of the Appellant approaching the finance company for appropriate reliefs.

4. The writ appeal is dismissed with the above observation.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

KC Bisoi

