

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.2086 of 2022

Saroj Kumar Ojha

....

Petitioner(s)

Mr. S. Dash,
Advocate

-versus-

HDB Financial Service Ltd.

....

Opposite Party(s)

CORAM:
JUSTICE BISWANATH RATH

ORDER
28.01.2022

Order No.

01.

1. This matter is taken up by video conferencing mode.
2. This matter involves private finance. Following the decision of the Hon'ble Apex Court rendered in the cases of ***Orix Auto Finance (India) Ltd. Vrs. Jagminder Singh and another***, (2006) 2 SCC 598, ***ICICI Bank Ltd. Vrs. Prakash Kaur and others***, (2007) 2 SCC 711 and in the case of ***Citicorp Maruti Finance Limited Vrs. S. Vijayalaxmi***, (2012) 1 SCC 1, this Court finds no scope for interfering in such matters.
3. However, considering the willingness of the petitioner to deposit 50% of the outstanding involving defaulted EMIs, as on date, it will be open to the petitioner to approach the private financier, the opposite party no.1 along with deposit of 50% of the outstanding involving defaulted EMIs, as on date, within a period of three weeks, in such event, the private financier, the opposite party no.1 shall do well in taking a lenient view in the matter of not taking any coercive action as against the vehicle bearing Regd. No.OR-04-N-4296 and rephrasing the rest of the outstanding dues with suitable installments.

4. The writ petition stands disposed of with the aforesaid observation and direction.

5. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

Ayaskanta Jena

