

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.3850 of 2022

Reena Thakur

....

Petitioner

-versus-

***Regional Manager, Reserve Bank
of India, Bhubaneswar & others.***

....

Opposite Parties

CORAM:

THE JUSTICE S.PUJAHARI

ORDER

08.04.2022

**Order
No.**

04.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner and the learned counsel for the Opposite Party No.2-Financier.
3. As it appears, the Petitioner in this case has prayed for a direction to the Finance Company-Opposite Party No.2 to release the vehicle bearing registration number OD-16-D-5545 on payment of 50% of the outstanding amount. Learned counsel for the petitioner also submits that the petitioner is ready and willing to pay 50% of the outstanding amount in respect of her three other vehicles and, as such, necessary direction may be passed to release the same in favour of the petitioner, to which the learned counsel appearing for the opposite party no.2-Financier though has no objection, but

submits that the total outstanding amount in respect of four vehicles of the petitioner is Rs.10,76,304/-..

4. From the materials on record, it appears that the aforesaid vehicle and three other vehicles were financed by the Financier-Opposite Party No.2. However, due to non-payment of the outstanding amount in respect of the said vehicles, those were repossessed by the Financier-Opposite Party No.2. Now the Petitioner is ready and willing to deposit 50% of the outstanding amount, so also @ 10% of the rest of the 50% amount on every month with regular installment hereinafter and on that condition, learned counsel for the petitioner submits to release the vehicles in favour of the Petitioner.

5. Considering the aforesaid facts and the submissions made, this Court directs that the vehicles be released in favour of the Petitioner provided she deposits 50% of the outstanding amount through an account payee bank draft with the Financier-Opposite Party No.2 within fifteen days hence and thereafter undertakes to pay regular installment along with 10% of the rest 50% of the outstanding amount, every month hereinafter.

6. Needless to say that failure on the part of the Petitioner to comply with the aforesaid direction of this Court after release shall entail repossession of the vehicles by the Financier-Opposite Party No.2 in the manner known to law. The Petitioner shall also make the vehicles available for

inspection of the Financier-Opposite Party No.2 as and when required by the Finance Company and keep the vehicles in good running condition. Failure to the aforesaid condition shall expose the Petitioner to the contempt jurisdiction of the Court.

7. With the aforesaid order, this writ petition stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

MRS

