

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4101 of 2022

Bana Bihari Parida

....

Petitioner

-versus-

***The Manager, Mahindra &
Mahindra Financial Services
Limited, Bhubaneswar Branch, 1st
Floor, Unit No.1, Nandighose
Arena 'G', A-1, Plot No.1246,
Bapuji Nagar, Bhubaneswar***

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

16.03.2022

Order

No.

03.

1. This matter is taken up through hybrid mode.
2. Heard the learned counsel for the Petitioner and Mr. Pradeep Kumar Ray, learned counsel appearing for the Opposite Party-Finance Company.
3. The grievance of the Petitioner in this case is that though he was paying regular instalment, but due to Covid-19, as he was defaulted in payment of regular instalment, his vehicle bearing Registration No.OD-04-P-5783 has been repossessed by the Opposite Party-Finance Company. As such, he has sought for release of same in this writ petition.
4. During the course of hearing, learned counsel for the Petitioner submits that the Petitioner is ready and willing to pay

the 50% of the outstanding amount as on date within fifteen days hence by account payee bank draft and thereafter rest of the outstanding @ 10% along with regular instalment be made to the Opposite Party-Finance Company and in such condition, he submits that the vehicle in question of the Petitioner may be released in his favour.

5. Learned counsel for the Opposite Party-Finance Company has no objection with the same, but submits that the vehicle in question of the Petitioner may be released in his favour with the conditions that the same be kept in good running condition and be made subject to inspection by the Opposite Party-Finance Company as and when required, so also on failure of the amount as stated above, the Opposite Party-Finance Company may be given liberty to repossess the vehicle.

6. Giving such liberty to the Opposite Party-Finance Company, it is directed that if the Petitioner made the payment as aforesaid of the outstanding as on date, the same shall be released in his favour on filing the undertaking to pay outstanding amount @ 10% with regular instalment due.

7. However, so far as the additional finance charges is concerned, if the Petitioner makes a representation to the Opposite Party-Finance Company to relax the said amount, it is hope and trust that the Opposite Party-Finance Company shall do the needful taking difficulties of the Petitioner on such

representation, but the release of the vehicle shall not await for disposal of such representation.

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

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

(S. Pujahari)
Judge

DA

