

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5587 of 2022

Mano Ranjan Sahoo

....

Petitioner

-versus-

Collector, Kendrapara and another

....

Opposite Parties

CORAM: JUSTICE S. PUJAHARI

ORDER

25.03.2022

Order

No.

02.

1. This matter is taken up through hybrid mode.
2. Mr. Nalinikanta Das, learned counsel enters appearance on behalf of the Opposite Party No.2-Financer.
3. Heard the learned counsel for the Petitioner and Mr. Nalinikanta Das, learned counsel for the Opposite Party No.2-Financer.
4. 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-05-AY-7885 (Ashok Leyland 14 wheeler Truck) has been repossessed by the Opposite Party-Financer. As such, he has sought for release of same in this writ petition.
5. However, it is submitted that yesterday the Petitioner had been to the office of the Opposite Party No.2-Financer and they said that the writ petition be withdrawn and on payment of Rs.1,00,000/-, they would release the aforesaid vehicle in favour of the Petitioner. But, no material is produced to substantiate the same.

6. Considering the aforesaid facts and submissions made, this Court directs that the aforesaid vehicle be released in favour of the Petitioner provided he deposits 50% of the outstanding amount through an account payee bank draft with the Opposite Party No.2-Financer by 31st March, 2022 and thereafter undertakes to pay regular instalment along with 10% of the rest 50% of the outstanding amount every month hereinafter and there is no other legal impediment for the same. The Petitioner shall also make the vehicle available for inspection of the Opposite Party No.2-Financer as and when required by the Finance Company and keep the vehicle in good running condition.

7. 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 vehicle by the Opposite Party No.2-Financer in the manner known to law. So also failure to comply with the conditions after release the vehicle shall expose the Petitioner to the contempt jurisdiction of the Court.

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