

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 18079 OF 2022

Prakash Kumar Mallick

.....

Petitioner

Mr. R.K. Sarangi, Advocate

-versus-

Tata Motors Finance Ltd. and another

.....

Opp. Parties

Mr. R.C. Panigrahi, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

29.07.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for the following relief:

“It is therefore most respectfully prayed that this Hon’ble Court may graciously be pleased to:

(I) Admit the Writ Petition;

(II) Issue notice to the opposite parties and call for relevant records;

(III) Issue appropriate writ(s), order(s), direction(s) to the OP No.2/Branch Manager, Tata Motors Finance Limited, Jajpur Road not to forcefully seize the Vehicle of the petitioner i.e. OD29J2573;

And/or further be pleased to direct the OP No.2 to receive 50% of the total outstanding loan dues as on date and release the Truck of the petitioner;

And/or pass such other or further orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case;

And for this act of kindness the petitioner as duty bound shall ever pray”

3. Mr. Panigrahi, learned counsel appearing for Tata Motors Finance Ltd., on instruction, submits that the Petitioner had approached this Court on earlier occasion in W.P.(C) No.6573 of 2022 in respect of the self-same vehicle and loan account. Suppressing the material facts that the writ petition was

disposed of on 17th March, 2022 with a direction that if the Petitioner deposits 50% of the whole outstanding dues and submits an application for re-phasing of the balance amount within a stipulated time, the same amount may be accepted and a lenient decision may be taken for releasing of the vehicle of the Petitioner bearing Registration No.OD-29-J-2573, this writ petition has been filed. The Petitioner has also not complied with the said direction.

4. Learned counsel for the Petitioner accepts the submission of Mr. Panigrahi, learned counsel for the Financer to be correct.

5. On perusal of reference certificate as well as averments made in the writ petition, the contention raised by Mr. Panigrahi, learned counsel for the Financer appears to be correct. At this stage, Mr. Sarangi, learned counsel for the Petitioner prays for withdrawal of the writ petition.

6. In view of the above, this writ petition is dismissed as withdrawn subject to payment of cost of Rs.5,000/- (Rupees five thousand) to the Welfare Fund of the Orissa High Court Bar Association within a period of 15 (fifteen) days. .

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

(K.R. Mohapatra)
Judge

bks