

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 19415 OF 2022

Rashmiranjan Patra

.... Petitioner

Mr. Nirmal Chandra Das, Advocate

-versus-

***Branch Manager, Axis Bank,
Bhubaneswar***

.... Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

20.10.2022

Order No.

3. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Financer-Opposite Party to hand over his vehicle bearing Registration No.OD-02-BD-4170 (Honda Amaze) immediately and pay the compensation amount of Rs.3,000/- per day with effect from 18th May,2022 till refund of the vehicle to him.
3. The Petitioner had earlier approached this Court in W.P.(C) No.14377 of 2022, which was disposed of vide order dated 27th June, 2022 with the following directions:

“6. In view of the above submission of learned counsel for the Petitioner, this Court taking into consideration the fact that the Petitioner is earning his livelihood by utilizing the motorcycle bearing Registration No.OD-02-BD-4170 as well as the pandemic of COVID-19, this Court dispose of the writ petition with a direction that in the event the Petitioner deposits 50% of the total outstanding loan dues as on date within a period of four weeks hence, the vehicle in question shall be released. The Petitioner shall also file an undertaking before the Opposite Party to pay the monthly installments regularly on rephasement of the rest of the

EMIs. The Petitioner shall be provided with details of outstanding dues within two days from the date of filing of an application to that effect. The rest of EMIs will be rephrased keeping in mind the Regulatory Package issued by the Reserve Bank of Indian on 21st May, 2020 during the pandemic situation of COVID-19.”

4. It is fairly conceded by Mr. Das, learned counsel that the Petitioner has not submitted any application for supply of the outstanding dues in respect of the aforesaid vehicle.

5. Since the Petitioner has not complied with the direction by submitting any application to provide the outstanding dues, there was no occasion on the part of the Financer-Opposite Party to comply with the same. Hence, the prayer made in this writ petition is not entertainable.

6. It is, however, submitted by Mr. Das, learned counsel for the Petitioner that in view of the agreement between the Petitioner and the Financer, they have no authority to take over the possession of the vehicle.

7. Since the submission of Mr. Das, learned counsel for the Petitioner requires interpretation of an agreement and essentially, the Petitioner seeks for a direction to provide compensation, the writ petition is not maintainable. The Petitioner may workout his remedy in accordance with law.

8. Accordingly, this writ petition stands dismissed.

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

(K.R. Mohapatra)
Judge