

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 31551 OF 2022

Chittaranjan Mishra **Petitioner**
Mr. Amit Prasad Bose, Advocate

-versus-

The Authorized Signatory, Consumer **Opp. Parties**
Finance Division Indusind Bank,
Bhubaneswar and another
Mr. Prakash Kumar Mishra, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
02.12.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition seeks for a direction to the Branch Manager, Indusind Bank, Cuttack-Opposite Party No.2 to release his vehicle bearing Registration No.OD05AM9342 (Bus) by accepting 50% of the total outstanding dues in terms of the order dated 23rd September, 2022 passed in W.P.(C) No.24454 of 2022.
 3. Mr. Bose, learned counsel submits that the Petitioner had earlier approached this Court in W.P.(C) No.24454 of 2022 for release of the aforesaid vehicle. Considering the grievance of the Petitioner, this Court disposed of the writ petition vide order dated 23rd September, 2022 with a direction that in the event, the Petitioner deposits 50% of the total outstanding dues within a period of four weeks from the date of the order, the vehicle in question shall be released in his favour.
 4. It is submitted by Mr. Bose, learned counsel for the Petitioner that due to cardiac problem of the Petitioner, he could

not comply with the said order within the stipulated time. However, he approached the Bank-Opposite Party No.2 subsequently and requested to accept 50% of the total outstanding dues as on that date and to release the vehicle. But the Bank Officials refused to release the vehicle of the Petitioner. Hence, this writ petition has been filed for the aforesaid relief.

5. Taking into consideration the submission made by learned counsel for the Petitioner, this Court vide order dated 28th November, 2022, directed Mr. Prakash Kumar Mishra, learned counsel appearing for the Indusind Bank to take instruction in the matter.

6. On instruction, Mr. Mishra, learned counsel for the Opposite Party No.2-Bank submits that due to non-compliance of the order dated 23rd September, 2022 as aforesaid, the vehicle has already been sold in a public auction. Thus, the prayer of the Petitioner could not be entertained.

7. Mr. Bose, learned counsel for the Petitioner, however, submits that the possession of the vehicle has not yet been handed over to the auction purchaser. Hence, the prayer of the Petitioner may be considered.

8. Taking into consideration of the rival contentions of the parties, this Court disposes of this writ petition with an observation that the Petitioner, if so advised, may approach the Branch Manager, Indusind Bank, Cuttack-Opposite Party No.2 for redressal of his grievance by 7th December, 2022 and in that event, the Opposite Party No.2 may consider the same in

accordance with law, if necessary by giving an opportunity of hearing to the auction purchaser.

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

(K.R. Mohapatra)
Judge

ms

