

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32934 OF 2022

Bijaya Mohanty

....

Petitioner

Mr. Netrananda Biswal, Advocate

-versus-

Indusind Bank, Mumbai and another

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

21.12.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. This writ petition has been filed apprehending forceful seizure of the vehicle bearing registration No.OD-05-AK-5510 (Truck) of the Petitioner by the Financer.
 3. Mr. Biswal, learned counsel submits that due to some difficulty, the Petitioner could not repay the loan, for which his vehicle was seized. As such, the Petitioner was filed W.P.(C) No.23179 of 2022, which was disposed of on 15th September, 2022 with a direction that the vehicle of the Petitioner shall be released on payment of 50% of the total outstanding dues. On compliance of the said direction, the Petitioner deposited the required amount and the vehicle was released. Subsequently, the vehicle in question required a major repairing for which the Petitioner has spent huge money. As such, he could not pay the EMIs of the said vehicle for three months. At this stage, the Petitioner apprehends his vehicle may be repossessed by the Financers for non-payment of EMIs. He further submits that the Petitioner is ready and willing to pay the defaulted EMIs and a

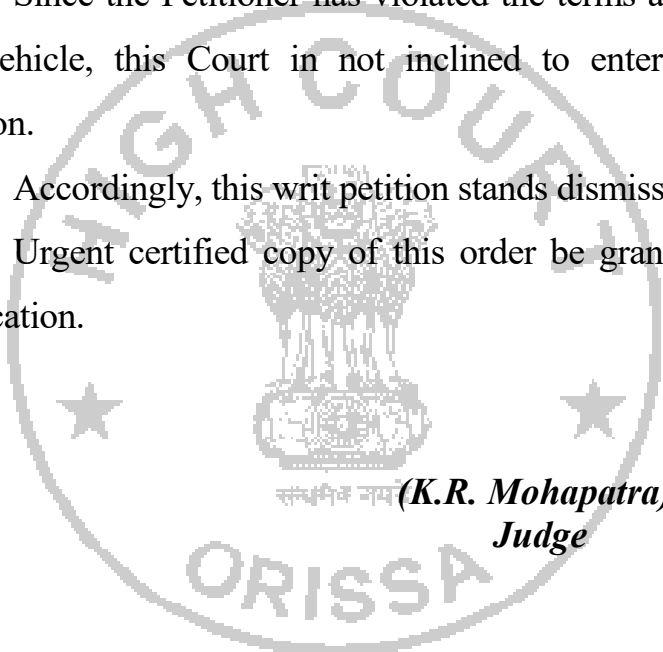
direction may be made to the Financer not to seize the vehicle of the Petitioner.

4. Considering the submission made by learned counsel for the Petitioner and on perusal of the record, it appears that while disposing of the earlier writ petition, this Court has already directed for release of the vehicle on payment of 50% of the total outstanding dues by the date of payment. A condition was also imposed by this Court in the said order that the Petitioner should go on paying the EMIs regularly on rephasing.

5. Since the Petitioner has violated the terms after release of the vehicle, this Court is not inclined to entertain this writ petition.

6. Accordingly, this writ petition stands dismissed.

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

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, flanked by two stars. The text 'HIGHER COURT' is written in an arc at the top, and 'ORISSA' is written in an arc at the bottom. Below the lion capital, the text 'संविधिक न्याय' (Samvidhik Nyaya) is written in Devanagari script, followed by '(K.R. Mohapatra)' and 'Judge' in English.
(K.R. Mohapatra)
Judge

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