

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.40575 of 2021

Sk. Kalimulla

....

Petitioner(s)

Mr. B.M. Sarangi,
Advocate

-versus-

R.M., R.B.I, BBSR. & Anr.

....

Opposite Party(s)

Mr. R. Panigrahy,
Advocate

CORAM:
JUSTICE BISWANATH RATH

ORDER
04.02.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. This matter involves private finance. Following the decisions of the Hon'ble Apex Court rendered in the cases of ***Orix Auto Finance (India) Ltd. Vrs. Jagmander Singh and another***, as reported in (2006) 2 SCC 598, in the case of ***ICICI Bank Ltd. Vrs. Prakash Kaur and others*** as reported in (2007) 2 SCC 711 and in the case of ***Citicrop Maruti Finance Ltd. Vrs. S. Vijayalaxmi***, as reported in (2012) 1 SCC 1, this Court finds no scope for interfering in such matters.
3. However, considering the willingness of the Petitioner to deposit 50% of the outstanding dues as on date, this Court directs, 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 not seizing the vehicle of the Petitioner in question.

4. It is responsibility of the Petitioner to serve a copy of this order along with a copy of the writ petition on the Opposite Party No.2.

5. With the aforesaid direction the writ petition stands disposed of.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

Ayaskanta Jena

