



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3971 of 2022

S.Mariyappan

... Petitioner

/Vs./

1. The Authorized Officer,
Hinduja Leyland Finance Limited,
No.27/A, Developed Industrial Estate,
Guindy,
Chennai-32.

2. The Branch Manager,
Hinduja Leyland Finance Limited,
Palayamkottai,
Tirunelveli-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the respondents or subordinates or agents from repossessing the Ashok Leyland Taurus lorry bearing registration No.TN-72-BS-4748 from the petitioner except under due process of law.

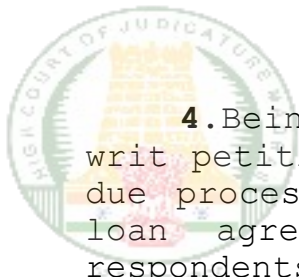
For Petitioner : Mr.A.Mohan

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to forbear the respondents from repossessing the Ashok Leyland Taurus lorry bearing registration No.TN-72-BS-4748 from the petitioner except by following due process of law.

2.It is the case of the petitioner that he had entered into a loan contract with the respondents for the purchase of the aforementioned vehicle. According to him, he has paid a sum of Rs.7,50,000/- towards EMIs. It is his contention that since he has committed default in payment of certain installments, the respondents are using their henchmen to repossess the vehicle by not following the due process of law.

3.The dispute between the petitioner and the respondents is admittedly a contractual dispute. The petitioner has entered into the loan contract with the respondents, where the terms and conditions have been agreed upon between the parties.



4. Being a contractual dispute, this Court cannot entertain this writ petition. However, the respondents will have to adhere to the due process of law for enforcing the terms and conditions of the loan agreement entered into between the petitioner and the respondents.

5. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar (CS)

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NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

W.P. [MD]No.3971 of 2022

Dated:

04.03.2022

RK(17/03/2022) 2P 1C