



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO. 1526 OF 2024

DNYESHWAR TUKARAM SHINDE THROUGH GPA SHAMDHAN RAMKISAN
SINGAL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Mr.A.V. Indrale Patil a/w. Mr. D.K. Thote, Advocate for the Petitioner.
Mr.S.K. Tambe, AGP for the Respondent/State.

CORAM : RAVINDRA V. GHUGE &
S.G. CHAPALGAONKAR, JJ.
DATED : 15.02.2024

PC :-

01. The Petitioner has putforth prayer “B”, which reads as under :-
“B) Kindly issue appropriate Writ or order in the like nature thereby direct the Regional Transport Officer Aurangabad to Transfer the vehicle bearing No. MH-20-EG-6947 in favour of the Petitioner as early as possible and within stipulated period of one month.”
02. The learned AGP has received written instructions from the RTO, Chhatrapati Sambhaji Nagar, dated 15.02.2024 and the history of the litigation between the original registered owner and the present Petitioner is set out. In paragraph Nos.3 and 4, it is informed as under :-

3) In response to the notice dated 08/09/2023, the registered owner of the subject vehicle has submitted representation to this office, thereby, raising an objection that, the Arbitration Appeal

No.102/2023 filed by the registered owner is subjudice before the District and Session Court, Aurangabad. The registered owner has requested not to transfer the subject vehicle in the name of Financer. In the said Arbitration Appeal, the registered owner has impleaded Indusind Bank, Shri Santosh Mote and Shri Shivaji Dabhade. It appears that, the subject matter in the Arbitration Appeal has not been adjudicated by the competent court. In the meantime, the subject vehicle has been blacklisted as per the request of the registered owner.

4) One Shri. Dnyeshwar Tukaram Shinde has filed the Instant Petition seeking direction to transfer the subject vehicle in his name. As per record of this office, the Petitioner has no locus standi. However, as the dispute has arisen between the Registered owner and Financer, as well as possessor, and the dispute in the Arbitration Case filed by the registered owner is not adjudicated by the competent court, in view of the same, this office cannot transfer the said vehicle in the name of the Petitioner. It is further stated that, the subject matter will be decided in accordance with the Provisions of Motor Vehicle Act, 1988 and Rules framed there under, in case, the relevant Provisions of the Act and Rules are complied with.”

03. The learned Advocate for the Petitioner submits that this Petition may be disposed off. The Petitioner would await the decision of the pending proceeding or resort to a remedy as may be permissible in law.

04. In view of the above statement, **this Petition is disposed off.**

[S.G. CHAPALGAONKAR,J.]

[RAVINDRA V. GHUGE,J.]