

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1600 OF 2022

Jagdish D. Chavan

... Petitioner

Versus

The Dy. Regional Transport Officer & Ors.

... Respondents

Mr. Harishchandra D. Chavan i/b. Mr. Viraj Hake for the Petitioner.

Mr. Sachin H. Kankal AGP for Respondent-State.

Mr. Salman Athania i/b. S. G. Legal & Associates for Respondent No.-2.

Mr. Ganesh Bhujbal for Respondent No.3.

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CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 3 January, 2024

P.C.

1. We have heard the learned Counsel for the Petitioner. This Petition is filed under Article 226 of the Constitution of India praying for the following reliefs:-

a) Rule be issued and record and proceedings be called for;

b) This Hon'ble Court may kindly be pleased to quash and set aside the order dated 11.10.2021 issued by Respondent No.1;

c) The Respondent No.1 be directed to register the said Vehicle model No.770 EX BHL (Backhoe Loader), Chasis NO. NKJ770 EXAGKH01287 and Engine No.804545731185425 ("Excavator") in the name of the Petitioner;

d) The Respondents be directed to pay compensation and damages for mental harrassment and facing false criminal application filed by the Respondent No.3. against his father and brother.

e) Pending the hearing and final disposal of present writ petition, this Hon'ble Court may kindly be pleased to restrain the Respondents from taking any coercive steps against vehicle owned and possessed by the Petitioner;

f) Interim/Ad-interim relief in terms of prayer clause (e) above be granted;

g) Such other further order as this Hon'ble Court may deem fit and proper pleased to pass in the peculiar facts and circumstances of the case;

2. It is not in dispute that the vehicle was financed by Respondent No.2, and that there was a default on the part of Respondent No.3, the purchaser of the vehicle, in paying the instalments of finance as claimed by Respondent No.2. The vehicle was accordingly taken over by Respondent No.2 and the same was sold in auction to the Petitioner. When the Petitioner approached the Regional Transport Office ("RTO") for registration of the said vehicle, an objection was raised by the RTO. The Petitioner was informed by the RTO that the transfer in the name of Petitioner can be effected only after completing the formalities of a fresh registration of the vehicle in favour of Respondent No.2. In taking such stand, it appears that Respondent No.1 (RTO) was oblivious of the circumstances in which the vehicle was purchased by the Petitioner from Respondent No.2. In these circumstances, the Petitioner is before us praying for the above reliefs.

3. Learned Counsel for Respondent No.2 has placed on record an e-mail received from the Competent Officer of Respondent No.2 informing that, in the peculiar circumstances, Respondent No.2 would assist the Petitioner in getting the vehicle in question registered in favour of the Petitioner. We appreciate the stand taken on behalf of Respondent No.2. We take on record a copy of the mail which is dated 2nd January 2024. The e-mail specifically records that Respondent No.2 will now extend all co-operation to the Petitioner (to the buyer) regarding documentation if any required and that the asset which the petitioner had purchased was "as is where basis", hence all

necessary expenses/fine/ penalty, if any, in that regard would be borne by the Petitioner.

4. In our opinion, considering the stand taken by Respondent No.2, further adjudication of the Petition is not called for. We accordingly direct the Deputy Regional Transport Officer, Kalyan, Dist. Thane, to take appropriate steps within a period of one week from today and register the vehicle in question in favour of the Petitioner, considering the No Objection Certificate issued by Respondent No.2. The Petition is disposed of in above terms. No orders as to costs.

5. We may observe that we have not examined any rights of Respondent No.3, if any, against Respondent No.2, which if at all would be a private dispute *inter se* between these parties.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)