

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18292 OF 2024

Amit Jaypal Chinchwade

...Petitioner

Versus

State Of Maharashtra Throu. The Dept Of Regional
Trasnport And Ors

...Respondents

Adv. Raj S. Satam i/b Prajakt M. Arjunwadkar, for Petitioner.

Adv. Savita Prabhune AGP for Respondent No.1.

PALLAVI
MAHENDRA
WARGAONKAR

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PALLAVI MAHENDRA
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CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 6 JANUARY, 2025.

P.C.

1. We have heard learned counsel for the parties. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:-

“(a) This Hon'ble Court may be pleased to writ of mandamus and be further pleased to hold and declare that, Petitioner is entitled for registration of his vehicle No. MH 15 GR 1003 in accordance with the provision of MV Act, 1988 r/w Central Motor Vehicle Rules, 1989;

(b) This Hon'ble Court may be pleased to writ of mandamus and be further pleased to direct Respondent No. 1 to register a vehicle bearing No. MH 15 G 1003 in the name of Petitioner and be further pleased to direct Respondent No. 1 to issue certificate of registration of the said vehicle in the name of Petitioner.”

2. We find that the only reason on which the registration of the petitioner's vehicle is not being granted, is to the effect in the online procedure to be followed the petitioner had not filed up Form 35 with the NOC - Signature of the Financer. The learned AGP has fairly drawn our attention to the documents submitted by the petitioner namely document dated 15 July 2019 which is a communication in favour of Mr. Mayur Sunil Pawar the original owner of the vehicle, whereby the respondent no.4 – Financer (now liquidated) recording that the loan availed on the said vehicle by Mr. Mayur Pawar was and all the dues with interest against the loan stand satisfied. Also Form-35 for RTO purposes was enclosed to the said letter. As such communication was already issued and it is not in dispute that the Financer respondent no.4 has certified full repayment of the borrowing, hence, merely for the reason that in the online procedure such signatures were not made by respondent no.4 albeit such documents of no dues were submitted, the registration of the petitioners' vehicle could not have been denied. It is admitted position that the petitioner has in fact purchased the vehicle from respondent nos.2 who was, in fact, the second owner of the vehicle having received the vehicle in transfer from Mr. Mayur Sunil Pawar - respondent no.3 the original owner.

3. In this view of the matter, we are of the clear opinion that registration of the petitioner's vehicle needs to be granted by respondent no.1 by accepting the documents of No Dues as issued by respondent no.4 – Mauli Multi-State Co-operative Credit Society Limited in favour of the borrower Mr. Mayur Pawar.

4. Let the registration be granted subject to other statutory compliances within a period of four weeks from today. We have not delved on any other issues except from what has been observed above.
5. Disposed of in the aforesaid terms.
6. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)