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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2281/2026 & CM APPL. 11035/2026, CM APPL. 11036/2026

PRAVEEN KUMAR MISHRA .....Petitioner

Through: Mr. Shivam Dixit, Adv.

versus

MAHINDRA AND MAHINDRA FINANCIAL SERVICES LIMITED THROUGH ITS BRANCH MANAGER .....Respondent

Through: Mr. Avanish Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

O R D E R

% 18.02.2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following reliefs:

   a) *"To issue the directions to the Respondent to settle the loan dispute with the Petitioner in respect of the vehicle i.e. UP- 14GT-9838 (Maruti Suzuki Ertiga);*
   b) *To issue the No Objection Certificate regarding no due in respect of the vehicle i.e. UP-14GT-9838 (Maruti Suzuki Ertiga)*
   c) *To pass any other order/Writ, which this Hon'ble Court deem tit and proper keeping in view the above stated facts and circumstances in interest of justice."*

2. It is stated by Mr. Dixit, learned counsel for the petitioner, that according to the calculation of the petitioner, the petitioner has paid the entire amount of loan and some additional amount as well.The

respondent is refusing to issue NOC and is also threatening to snatch the vehicle from the petitioner.

3. For the said reason, issue notice.

4. Mr. Kumar, learned counsel accepts notice, seeks time to file a reply. However the same is not necessary as Banks and Finance Companies are constitutionally bound to act in accordance with law and cannot violate the fundamental rights guaranteed under Part III of the Constitution of India.

5. When the right of recovery is weighed against a person's right to livelihood and dignity under Article 21, the latter must prevail and cannot be curtailed except by due process of law. The seizure and repossession of vehicles without adhering to RBI guidelines and judicial precedents is patently illegal and unconstitutional.

6. In view of the above, the petitioner will not sell, mortgage or create third party rights on the vehicle and the respondent will not re-possess the vehicle without following the due process of law.

7. As regards the amount of loan to be paid, the same is a disputed question of facts and shall not be decided by this Court. The parties are at liberty to avail their legal rights in this regard.

8. In view of the order passed, learned counsel for the petitioner does not press the petition and the same is disposed of.

JASMEET SINGH, J

FEBRUARY 18, 2026/sp