
(2019) 02 CHH CK 0135

Chhattisgarh High Court

Case No: Writ Appeal No. 740, 763 Of 2018

Kuljeet Singh

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Feb. 11, 2019

Acts Referred:

- Motor Vehicles Act, 1988 - Section 51(5)

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench: Division Bench

Advocate: Jitendra Gupta, Santosh Kumar Gautam, Faiz Kazi

Final Decision: Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Heard learned counsel for the Appellant as well as the State.
2. Appeals are against the order of the learned Single Judge dated 20.08.2018 whereby the learned Single Judge has dismissed the writ petitions refusing to interfere with the decision of the registering authority to transfer the registration of the hire purchased vehicle in favour of the hire purchaser. The learned Single Judge took note of the legal provision i.e. Section 51 (5) of the Motor Vehicles Act, 1988 (in short, "the Act, 1988") where the registering authority has exercised the power on a demand made by hire purchaser after its repossession due to the so called default in repayment as per the hypothecation agreement.
3. Submission of the counsel for the Appellant is that the objection so raised before the registering authority on behalf of the Appellant was hardly

entertained. Despite repeated demands, the Finance Company did not provide the details of the accounting showing default. His stand is that repayments have been done regularly.

4. This Court is not required to go into the issue of settlement of accounts as the issue was not repossession before the writ Court, but the decision of the registering authority on whom an obligation for exercise of power under Section 51 (5) of the 1988, Act was lodged.

5. We do not find any infirmity with the decision of the learned Single Judge.

The appeal is dismissed, however, if the Appellant demands the details of the account of repayment done by him, the Finance Company will have a duty and obligation to provide the authentic copy thereof within a period of 8 weeks of such a demand.