

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**W.P.No. 2905 OF 2023**

| <b>S.No</b> | <b>DATE</b>     | <b>ORDER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>OFFICE<br/>NOTE</b> |
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| <b>02.</b>  | <b>09.02.23</b> | <p><b><u>KSR, J.</u></b></p> <p>Learned counsel for the petitioner submits that respondent No. 4 purchased a vehicle, <i>i.e.</i> JCB bearing registration No. AP 21 BS 0282, by obtaining vehicle loan of Rs.23,90,000/- from HBD Financial Services, Kurnool Branch, during September, 2016, agreeing to repay the same in 49 equal monthly installments @ Rs.67,140/ per installment; that the loan was disbursed on 22-09-2016 and the petitioner was the guarantor for the said loan; that for some time, respondent No. 4 paid installments and subsequently, he became defaulter; that thereafter, the petitioner, who was guarantor, took the subject vehicle from respondent No. 4 and has been paying the installments to HBD Financial Services, Kurnool Branch, regularly and that while so, respondent No. 2, at the instance of respondent No. 3, seized the subject vehicle on 27-01-2023. Impugning the said action of respondent No. 2, the petitioner filed the present writ petition.</p> <p>Learned Assistant Government Pleader, on instructions, states that respondent No. 2 never seized the vehicle and that respondent No. 2 only assisted respondent No. 3 in seizing the vehicle as per the orders passed by learned Judge Bench XIII, City Civil Court, Calcutta, in Miscellaneous Case No. 7270 of 2022 dated 29-12-2022.</p> <p>In that view of the matter, respondent No. 3 is directed not to create any third party interest over the subject vehicle, <i>i.e.</i> JCB bearing registration No. AP 21 BS 0282, until further orders.</p> |                        |

| S.No | DATE | ORDER                                                                                                                                                                                                                                                                                                                                        | OFFICE<br>NOTE |
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|      |      | <p>Learned counsel for the petitioner is permitted to take out personal notice on respondent No. 4 by registered post with acknowledgement due and file proof of service into the Registry.</p> <p>Post on 01-03-2023.</p> <p style="text-align: right;"><b>K.SURESH REDDY, J.</b></p> <p>Note:<br/>Issue C.C. tomorrow.<br/>B/O<br/>JSK</p> |                |