

ITEM NO. 28

COURT NO.10

SECTION XVII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19314/2007

(From the judgement and order dated 27/07/2007 in RP No. 737/2005 of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

CITICORP.MARUTI FINANCE LTD.

Petitioner(s)

VERSUS

S.VIJAYALAXMI

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief)

Date: 26/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P.P. NAOLEKAR

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s) Mr. Ashok Desai, Sr. Adv.
Mr. R.S. Suri, Adv.
Mr. Rao Ranjit, Adv.
Mr. Rahul Malhotra, Adv.
Mrs. Gurviner Suri, Adv.

For Respondent(s) Mr. S.K. Mittal, Adv.
Mrs. Anupama Sharma, Adv.
Mr. Mukesh Dubey, Adv.
Ms. Richa Singh, Adv.
Mr. Vishnu Sharma, Adv.

UPON hearing counsel the Court made the following
ORDER

From the observations made in the impugned judgment, it appears that in spite of orders passed by this Court in the matter of ICICI Bank Ltd. Vs. Prakash Kaur and others, 2007(2) SCC 711, the procedure adopted for recovery of loan amount by financial institutions is by applying force. The practice of hiring

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the persons to get the possession of the vehicle in case of non-payment of loan amount is contrary to the directions issued by this Court in the aforesaid matter. We are also pained to observe from the facts of this case that the F.I.R. of the incidence has not been registered by the police although the police was approached for registration of the F.I.R. In the facts and circumstances of the case, we feel that it will be appropriate to give directions as to the manner in which the recovery of loan by the financial institutions is to be regulated and

regularised and in view thereof and on merits, we issue notice in this case.

Mr. Vishnu Sharma, Advocate appears for the respondent. He prays for and is granted four weeks' time to file counter-affidavit. The petitioner will have two weeks' time thereafter to file rejoinder-affidavit.

List thereafter.

(Pardeep Kumar)
Court Master

Court Master

(Radha R. Bhatia)