



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.31251 of 2026

CNR No. ODHC010731782026

**Subhendu @ Subhandu
Kumar Samal**

.....

Petitioner

Represented by Adv.
– Ms. Sarada Dash

-versus-

**Mahindra and Mahindra
Finance Ltd., Kendujhar and
another**

.....

Opposite Parties

Represented by Adv.
- Mr. Avijit Patnaik
for O.P. 1 & 2

CORAM:

MR. JUSTICE SASHIKANTA MISHRA

ORDER

14.10.2026

I.A. No.19233 of 2026

**Order No.
04**

1. This matter is taken up through hybrid mode.
2. This is an application to implead Banking Ombudsman, RBI, Bhubaneswar as opposite party No.3 to case.
3. Mr. A. Patnaik, learned counsel for opposite party Nos. 1 and 2 has no serious objection.
4. In such view of the matter, the I.A. is allowed.
5. The Banking Ombudsman, RBI, Bhubaneswar is impleaded as opposite party No.3.
6. Consolidated cause title be filed in course of the day as undertaken.
7. I.A. is disposed of.

**(Sashikanta Mishra)
Judge**



WP(C) No.31251 of 2026

Order No.
05.

1. Heard Ms. Sarada Dash, learned counsel for the petitioner and Mr. A. Patnaik, learned counsel for opposite party Nos. 1 and 2.
2. After hearing learned counsel for the parties for some time, this Court is of the view that no notice need be issued to opposite party No.3 as the dispute is essentially between the petitioner and opposite party Nos. 1 and 2.
3. Ms. Dash submits that out of 14 instalments due, the petitioner has paid 11 installments leaving a balance of 3, which he could not pay because of financial difficulties. She further submits that because of continued financial difficulties, he is unable to repay the loan, more so, as the vehicle has been seized, which was his only source of livelihood. She further submits that the proper procedure or the guidelines were not followed by the financial institution while taking possession of the vehicle.
4. In reply, Mr. Patnaik submits that the petitioner-loanee is duty bound to pay the monthly installments in time and since there were three outstanding EMIs as on 9th September, 2026, the vehicle was rightly seized. Unless the petitioner-loanee clears the outstanding amount, the vehicle cannot be released.
5. After hearing learned counsel for the parties at length, this Court does not deem it proper to enter into the factual controversy but can only observe that in case the petitioner is facing genuine difficulties in paying the EMIs, he can always approach the financial institution for restructuring of repayment of the loan. However, taking note of the fact that the petitioner earns his livelihood by utilizing the vehicle, it would enure to nobody's benefit if the vehicle is seized and kept idle.



6. In such view of the matter, the writ petition is disposed of directing the opposite party-financial institution to release the vehicle in favour of the petitioner subject to deposit of Rs.3,00,000/- (Rupees Three Lakhs only) by him within ten days from today. The petitioner shall be at liberty to submit an application for restructuring of the loan on the date of deposit, which the financial institution shall consider in accordance with law.

7. Before parting, this Court can only observe that elaborate guidelines have been laid down by the RBI as taken note of by the Supreme Court recently in the case of **Hari Dutta Sharma vs. State of U.P. & Others**¹. It is made abundantly clear therein that the financial institution is duty bound to abide by the RBI guidelines in the matter of taking possession of the vehicle for default in repayment of loan. Needless to say, the opposite party Nos.1 and 2 shall abide by such guidelines.

8. The opposite party-financial institution shall act upon the uploaded copy of this order.

9. Issue urgent certified copy as per Rules.

(Sashikanta Mishra)
Judge

A.K. Rana

Signature Not Verified

Digitally Signed
Signed by: AJAYA KUMAR RANA
Designation: P.A.
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 14-Oct-2026 19:30:48



¹ 2026 SCC OnLine SC 1905