

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 13th December , 2007.

H.R.M.P.No.730 of 2007

Petitioner : V.Satheesan,
Azhimukhathu veed,
Karamana, Karumam.P.O,
Thiruvananthapuram - 2

Respondent :

ORDER

The petitioner is present. In the complaint the petitioner alleges that he was cheated by the respondent A.Sreekumaran and that in spite of the complaint made to the District Collector no action was taken. On receipt of the complaint a report was called for from the City Police Commissioner, Thiruvananthapuram and a report is received from the Deputy Commandant, A.R. Camp, Thiruvananthapuram.

On going through the report it can be seen that the petitioner, who was running a petty shop, is the relative of the respondent Sreekumaran and that petitioner borrowed a sum of Rs.60,000/- (Rupees sixty thousand) from ROTAM CHAND LODHA FINANCIERS for which the said Sreekumaran and his brother Suresh stood as sureties. The amount was borrowed for purchasing a lorry. The petitioner thereafter remitted only one installment of loan and defaulted the payment of the balance amount. Therefore the Finance Company issued notice to the sureties since the petitioner defaulted the payment of loan amount. The finance company denied to give clearance and return the documents. The petitioner was requested by sureties Sreekumaran and Suresh to clear the loan amount but he did not do so; but on the contrary, informed them that the vehicle is under repair and that he has no money to pay.

It looks from the report that a complaint was filed by the petitioner before the Nemom Police Station against the finance company and there were some talk of settlement but as the same did not fructify a case was registered as crime No.106/2000 which was later referred after investigation. It could be seen from the averments that as per the agreement the petitioner has to pay the principal amount of Rs.60,000/- (Rupees sixty thousand) to the finance company and that the petitioner violated the agreement. It could also be seen that the petitioner also filed a complaint before the State Commission for Physically handicapped on 30-7-2004 which was enquired and disposed off and the facts further show that the petitioner is trying to get the vehicle without paying the loan amount and has approached several agencies and finally he has approached this Commission. The letter of the Administrative Officer, Commissionerate of Physically handicapped also reveals that the petitioner defaulted in making the payment towards the loan amount and trying to get the vehicle without paying the amount to the finance company.

In the above circumstances it is made clear that the petitioner is trying to get the vehicle without paying the loan amount and hence no relief can be granted to the petitioner.

The petition is closed.

Sd/-
Justice N.Dhinakar,
Chairperson.

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Registrar