

# **A.U. SMALL FINANCE BANK v. KAILASH CHANDRA**

A.U. SMALL FINANCE BANK

...Appellant

KAILASH CHANDRA

...Respondent

Case No: REVISION PETITION NO. 2541 OF 2023

Date of Judgement: 02 November 2023

Judges:

KARUNA NAND BAJPAYEE  
PRESIDING MEMBER

For Appellant: MR. ABHISAR BHANU, ADVOCATE

For Respondent: None

## **Facts:**

*Revision Petition No. 2541 of 2023 filed by A.U. Small Finance Bank against order dated 07/07/2023 of State Commission Rajasthan in Appeal No. A/204/2017. Petitioner: A.U. Small Finance Bank. Respondent: Kailash Chandra, resident of Girdhari Katla, Ishrol, Tehsil-Chouhatan, District- Barmer. Petition filed for withdrawal of Revision Petition with liberty to move review application before State Commission against order directing return of vehicle to consumer without observation/direction regarding payment to petitioner.*

## **Court's Observations and Opinions:**

*Learned counsel for petitioner submits instructions to withdraw petition. Seeks liberty to move review application before State Commission. Submits order suffers from patent omission/error apparent on face of record. While directing return of vehicle to consumer, State Commission failed to make any observation/direction regarding*

*payment to petitioner.*

**Arguments by Parties:**

**Petitioner's Arguments:**

*Wants to withdraw petition. Seeks liberty to move review application before State Commission to point out error apparent on face of record in impugned order. Order directed return of vehicle but no observation/direction regarding payment in lieu of same to petitioner.*

**Respondent's Arguments:**

*No arguments recorded.*

**Sections:**

*No specific sections mentioned.*

**Cases Referred/Cited:**

*No cases referred or cited.*

**Referred Laws:**

*No laws specifically referred.*

**Court's Order:**

*Allows withdrawal of petition. Grants liberty to file appropriate application before State Commission within one month. Time period to file shall be counted from date of present order. Registry to send copy of order to parties and counsel.*

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**Court**

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**Full Text of Judgment:**

1. Learned counsel for the petitioner submits, on instructions, that he wants to withdraw the petition with liberty to move a review application before the State Commission itself as there is a patent omission in the impugned Order which is tant amount to error on the face of record, whereby even though it has been directed to return the vehicle to the consumer butthe State Commission has missed to make any observation / direction with regard to the payment in lieu of the same to the petitioner.

2. In the wake of the above submissions petition stands dismissed as withdrawn with liberty to file appropriate application as the petitioner may be advised within the period of one month from today.

3. It may be observed that the period of moving the application shall be counted from the date of the present Order.

4. The Registry is requested to send a copy each of this Order to all parties in the petition and to the learned counsel for the petitioner. The stenographer is requested to upload this Order on the website of this Commission immediately.