

From  
Rajat Singh Jain,  
District and Sessions Judge,  
Sonbhadra.  
To  
The Deputy Registrar,  
Hon'ble High Court of Judicature at  
Allahabad (Prayagaraj).

**Re: Permission to sell of Old Car DL4CU8572**

Sir,

Please refer to your Letter No. 1550/IV-3506/Admin (A)/Dated 18-11-2015 and letter No. 17960/IV-3506/Admin 'A'/Dated: Allahabad:20-12-2016. With regard to aforementioned letters, it is most humbly submitted that the undersigned was in the process of removing the objections indicated by the Hon'ble High Court and therefore, could not send his reply earlier for which I tender unconditional apology to the Hon'ble Court. Appropriate prayer shall be made in this regard in prayer clause of this application.

Undersigned would like to place the full facts as follows:-

1. That the undersigned, while practicing as an advocate, purchased a car Tata Indica Xeta 1.2 GLS on 28.02.2007 for a consideration of Rs. 2,91,500/-. Out of this amount, I took a loan of Rs. 2,00,000/- lakh from H.D.F.C. Bank Ltd. and paid the remaining amount of Rs. 91,500/- myself. Insurance and registration charges were extra and paid by me. Copies of the 3 receipts of amount paid by me are enclosed as **Annexure-I (colly.)**.
2. According to the agreement with the bank, the undersigned was required to repay the loan amount in 60 monthly instalments of Rs. 4286/- commencing from 02.05.2007 and ending on 02.03.2012. A copy of loan sanction letter along with schedule of payment of instalment is **Annexure-II**.
3. The car was registered at Delhi Address of the undersigned's family with registration no. DL4CU-8572. Due to the loan advanced by the H.D.F.C. Bank Ltd., there was mention of hypothecation of the bank in the registration certificate of the car.
4. I joined U.P. Higher Judicial Service on 15.12.2008.
5. The undersigned continued to repay the loan amount and cleared the same as per schedule i.e. on 02.03.2012.
6. My son Abhijay Singh Jain (date of birth 10/02/1999) is a paraplegic disabled person, who, due to his growth, was having problem in sitting the said Indica car while wearing calipers, and his wheelchair also could not be accommodated in the said car, therefore I decided to purchase a bigger car.
7. My old Tata Indica Xeta car was in a good condition and had covered only approx. 40000 kms. I offered my car for sale and one Amar Singh, son of late Sri Surendra Nath Singh resident of village Karerepur post Badlapur, district Jaunpur, Uttar Padesh-222125 (at that time residing at Kannauj with his son

- Raman Singh) agreed to purchase the said car for a sum of Rs.1,50,000/-. He took my account number for transfer of consideration amount. However, I told him that I would hand over the vehicle only after finalizing the new car.
8. The proposed purchaser transferred a sum of Rs.1,50,000/- through electronic transfer in my savings bank salary account no.20009731103 with State Bank of India, Kannauj main branch on 22nd April, 2013, without taking prior permission from me. When I objected, he said that I could handover the car later. In the meantime, I was transferred to Bulandshahr. As I could not finalize purchase of new car, I was not able to hand over my old car to the proposed purchaser. A copy of my relevant bank record is **Annexure-III**.
  9. I completed all the formalities for purchase of new car and handed over my old car to the above mentioned proposed purchaser on 12.5.2013 at Kannauj when I came to collect my household goods. I also got delivery of my new Toyota Etios car on 16.5.2013 from Noida. Delivery note of new car is **Annexure-IV**.
  10. Unfortunately, my old car met with a fatal accident on 15.5.2013 at Jaunpur while it was in possession of proposed purchaser. As insurance of the car was valid in my name and I had promised the purchaser that the car was fully insured, the purchaser asked me to get the own damage claim of the car. The purchaser got the car surveyed by surveyor Shri Anil Kumar Srivastava of Varanasi on 08.07.2013 and got it repaired at his own expense at Ani Motors, Muradganj, Jaunpur and I submitted own damage claim to insurer M/s United India Insurance Company Limited. A copy of accident information given to insurer on my behalf by the proposed purchaser is **Annexure-V**. A copy of surveyor report is **Annexure-VI**.
  11. The Insurer refused my claim on the ground of not disclosing receiving claim amount from other insurer during previous year although I did not claim 'No Claim Bonus' from the insurer. A copy of refusal letter dated 10/03/2014 is **Annexure VII**. Therefore, I gave a notice to the insurer on 22.02.2014 and I had to file a case before the permanent Lok Adalat on 21.05.2014 and the same claim was finalized on 25.08.2014. A copy of suggestion (award) given by the permanent Lok Adalat is **Annexure-VIII**.
  12. The insurer paid a sum of Rs. 66424/- to Permanent Lok Adalat through cheque on 22/10/2014. In turn the Permanent Lok Adalat paid Rs. 66424/- to me through cheque dated 03/11/2014 and I realized the said cheque in my account. Copies of both cheques and deposit receipt (counter foil) are **Annexure IX (colly.)** Thereafter, I transferred/paid the said amount to the proposed purchaser through cheque dated 10/11/2014. Copy of cheque issued by the undersigned in favour of the proposed purchaser and deposit receipt are **Annexure-X (colly.)**. A copy of relevant pass book of my bank showing credit of the cheque amount to the account of the proposed purchaser is **Annexure-XI**.
  13. That I was under the impression that first I must seek permission of Hon'ble Court and only thereafter, vehicle could be transferred. In the meantime, I enquired from the concerned R.T.O. Office, Janakpuri, Delhi and came to know that before transfer of the vehicle it is necessary to get the endorsement of

hypothecation of the bank cancelled as the financier of the vehicle did not send any letter to RTO Office.

14. Thereafter, I applied for No Objection Certificate from the bank at Delhi and received the same in the end of November, 2014. Thereafter, I applied for cancellation of hypothecation and the same was done by the concerned R.T.O. and I received fresh registration certificate only in April, 2015. Copies of loan closure letter, NOC, Form 35 are annexed hereto as **Annexure-XII**.
15. I was also told that a certain amount is to be deposited for obtaining N.O.C. for transferring the vehicle from Delhi to Uttar Pradesh and total expenses may go up to Rs.30,000.00.
16. I asked the proposed purchaser several times to complete the formalities for transfer. He insisted that all transfer charges including road tax are to be borne by me. I agreed to bear the same, but the proposed purchaser kept insisting to get the permission from the Hon'ble High Court first and only transfer thereafter. Therefore, I mentioned actual sale price of car as Rs.1,20,000.00 in my application as expected at that time.
17. The sold car was to be carried to Delhi along with my personal presence for getting No Objection Certificate (NOC) from Delhi to Uttar Pradesh. As the car was in Jaunpur, the proposed purchaser was not sending the car despite my repeated requests. When I was posted to Sonbhadra, I persuaded him to send the car to Sonbhadra and arranged for pick-up of the car from Jaunpur. Consequently, car was brought to Sonbhadra and I carried the same to Delhi and reached Delhi on 28-10-2020 and applied for NOC. Form-28 was generated that day. However, RTO, Janakpuri, Delhi asked for some additional documents. I came back and sent necessary documents later and receipt for NOC was generated on 21-11-2020 and NOC was issued on 03-12-2020. Copies of Form 28 generated on 28-10-2020, receipt dated 21-11-2020 and NOC dated 03-12-2020 are annexed as **Annexure-XIII (colly)**.
18. All necessary documents were handed over to the proposed purchaser and the vehicle was transferred in his name on 30-12-2020. A sum of Rs.14872.00 was deposited reregistration and other charges. The vehicle was given new number UP62CB0680. A copy of receipt for Rupees 14872.00 and new registration certificate are annexed as **Annexures-XIV and XV**, respectively.
19. This amount of Rs.14872.00 was transferred by me in bank account no. 11018409897 with SBI, BO Badlapur by transfer from my SBI account No. 20009731103 with Kanpur Main branch on 02-01-2021 with reference no. IT00CRJTP7. Copies of first page of passbook of account of proposed purchaser, and transfer receipt dated 02-01-2021 are annexed hereto as **Annexure-XVI**.
20. Thus, I had to spend a sum of Rs. 14872.00 as transfer fee, road tax etc. and approx. Rs. 10,000/- for obtaining N.O.C. including fuel and other out of pocket expenses. Thus, the actual sale value of the car comes to Rs. 1,25,128.00 (1,50,000.00-24,872.00).
21. It is respectfully submitted that I was under the impression that first I had to

obtain permission of the Hon'ble Court and only thereafter could transfer the vehicle. All delay occurred due to the circumstances and events beyond my control. I could not give information earlier as there was possibility of making the payment of own damage claim by me to the proposed purchaser in case the insurer did not pay the said amount. So, I waited for outcome of the case filed in Permanent Lok Adalat, Bulandshahr and thereafter sought permission from Hon'ble Court. I must add that due to some medical condition of my son Abhijay Singh Jain, the Hon'ble Court was pleased to allow my premature transfer from Kannauj to Bulandshahr and I was preoccupied heavily in getting him treated. It is further to add that my transfer to Bulandshahr and location of proposed purchaser at Jaunpur, which is far away from Bulandshahr, only made the matter worse. I was not aware that selling the vehicle from one State to another and that too to a person of remote district was a complicated, cumbersome and tiring process, otherwise, I would have transferred the vehicle to somebody of Delhi only. It is further submitted that I will send reply to other matters at the earliest.

It is, therefore, most respectfully prayed that the Hon'ble Court may kindly be pleased to condone the delay in seeking the permission and sending this reply and grant me permission to sell my car no. DL4CU8572 (after transfer new number UP62CB0680) to Amar Singh, son of late Sri Surendra Nath Singh resident of village Karerepur, post Badlapur, district Jaunpur, Uttar Pradesh-222125 for a sum of Rs. 1,50,000.00 minus a sum of Rs. 24,872.00 as transfer and other charges in getting the NOC for transfer and reregistration of vehicle etc.

With regards.

Date: 18/01/2021

Yours faithfully,



(Rajat Singh Jain)  
ID-UP6519