

12.04.2021
Sl. No. 13
srm

C.O. No. 736 of 2021
Majdul Sekh & Ors.
Vs.
Tata Capital Financial Services Limited

Mr. Mir Anowar

...for the Petitioners.

This revisional application has been filed challenging an order dated February 20, 2021 passed by the learned Judge, 6th Bench, City Civil Court at Calcutta, in Misc. Case No.459 of 2020.

The learned Court below upon considering the number of defaults in payment of the instalments by the borrower to the finance company, that is, 23 instalments directed that in the event the petitioners deposited 9 lakhs with the finance company, the vehicle would be released.

From the facts as referred by the learned Court below, I do not find any irregularity.

This Court cannot re-appreciate the facts already on record and modify the order passed by the learned Court by reducing the amount directed to be deposited. Neither can this court allow instalments. If the petitioner wants instalments it is up to the petitioner to move before the learned Court below in accordance with law but this court will not interfere

with the order impugned on the absence of any perversity or arbitrariness in the order impugned.

This Court has not made any observation on the merits of the claim of the petitioner and if any application is filed, the learned Court below shall dispose of the same in according with law upon affording an opportunity to the finance company to contest the same.

This revisional application is disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)