

ORDER SHEET

IA NO.GA/1/2021

In

APO/19/2021

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
COMMERCIAL DIVISION

SMT. MADHABI MONDAL AND ANR.
VERSUS
M/S. CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 19th March, 2021.

(Via Video Conference)

Appearance:
Mr. Priyankar Saha, Adv.
Mr. Lalratan Mondal, Adv.

Ms. Tutul Das Singh, Adv.
Ms. Pooja Sett, Adv.

The Court: Affidavit filed in Court be taken on record.

It is submitted on behalf of the parties that the order dated February 19, 2021 was complied with by both the parties. Learned advocate appearing for the petitioner submits that the application may be disposed of with liberty to the petitioner to take all points before the Arbitrator as the arbitration reference is pending.

Learned advocate appearing for the respondent submits that, the Court should provide for the balance payment.

The order dated February 19, 2021 required the petitioner to pay certain amount which the petitioner paid. The order also provides that the petitioner will continue to pay the agreed instalment as if the agreement was not terminated and is subsisting.

In such circumstances, the petitioner will continue to pay the agreed instalment in terms of the agreement as if the same is existing. In the event of default, the respondent is at liberty to take possession of the vehicle.

The claims and counterclaims of the parties are to be decided by the Arbitrator.

The order dated November 5, 2020 stands modified by the orders passed in the appeal.

IA No.GA/1/2021 along with APO/19/2021 are disposed of accordingly.

(DEBANGSU BASAK, J.)