

06.04.2022
SL No.3
Court No.8
(gc)

**FMA 359 of 2021
With
CAN 1 of 2021**

**Angur Sekh
Vs.
Cholamandalam Investment & Finance Co. Ltd.**

Ms. Tiyaasa Ghosh,
...for the Appellant.
Mr. Ranjit Singh,
Mrs. Tutul Das Singh,
Ms. Pooja Sett,
...for the Respondent.

Ms. Tiyaasa Ghosh, learned Advocate on instruction submits that her senior, Mr. Prasenjit Mukherjee inadvertently submitted yesterday that he had received instruction to appear on behalf of the appellant.

The appellant has remained unrepresented since filing of the appeal.

The appeal is arising out of an order in T.S. No.178 of 2021 passed by the learned Judge, 5th Bench (In-Charge), City Civil Court, Calcutta on 4th February, 2021 in a hire purchase matter in which the learned Trial Judge passed an ad-interim order of injunction subject to certain conditions, the relevant portion whereof is set out hereinbelow:-

“Therefore, considering the urgency, there will be nothing impediment in allowing the interim relief restraining the Opposite party and his men and agent and associates from seizing and/or taking possession of the vehicle being No.WB-53B-0238 and from disturbing the peaceful possession of the same by the

plaintiff/petitioner herein subject to payment of regular monthly E.M.I. i.e., Rs.15,600/- as it appears from the statement of account and the interim order will be effective till the next date subject to compliance of the condition as stated above. Accordingly, same is allowed and the Opposite party is restrained as above.”

In view of the fact that the appellant cannot continue to possess and enjoy the said vehicle without discharging his obligation under the agreement, we do not find any reason to interfere with the order passed by the learned Trial Judge. Moreover, we find that the order impugned is of a limited duration and nothing is on record to show that the said order was extended subsequently.

Accordingly, the appeal being FMA 359 of 2021 and the application being CAN 1 of 2021 stand dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)