

**Sajid Ali Molla
Vs.
Magma Fincap Ltd.**

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The appellant is not represented even in the second call, nor any accommodation is prayed for on behalf of the appellant.

The appeal is arising out of the Order No. 2 dated 26th August, 2021 in connection with an application for ad interim order filed in a suit for declaration and injunction arising out of hire purchaser agreement.

The Trial Court after taking into consideration the COVID pandemic situation, which may have resulted delayed payment of the E.M.I and last E.M.I was paid on 29th July, 2021, restrained the defendant from taking possession of the vehicle without due process of law till 24th Setpmeber, 2021. The Trial Court, however, directed the plaintiff to pay admitted E.M.I to the defendant company during the pendency of the suit.

The appeal is filed on 24th September, 2021. Till that time the injunction order was in operation.

We feel that learned Trial Judge sufficiently protected the plaintiff and the obligation to pay, according to hire purchase of agreement, cannot be completely overlooked.

Under such circumstances, we do not find any reason to interfere with the Order passed by the learned Trial Judge. Moreover, the ad-interim order protected the plaintiff till 26th August, 2021 and the subsequent order has not been challenged before us.

FMA 1365 of 2021 is accordingly dismissed.

(Sugato Majumdar,J.)

(Soumen Sen, J.)