

Item-30. 04-11-2022

FMA 4632 of 2016
CAN 1 of 2016 (old CAN 8164 of 2016)

sg Ct. 8

Kamalesh Mondal
Versus
UCO Bank

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant. The appellant was also not represented on the earlier occasion. The appeal was presented on 8th August, 2016 and thereafter no attempt was made to move this appeal. In view of our earlier direction, we propose to take up this matter on the basis of available record.

The appeal is arising out an order dated 3rd August, 2016 passed by the learned Judge, 6th Bench, City Civil Court at Calcutta in an application filed under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure, in connection with a suit for declaration and injunction.

The plaintiff claimed to have been purchased a vehicle under a hire purchase agreement from the defendant. The learned Trial Judge has passed a conditional order of injunction.

We do not find any reason to interfere with the discretion exercised by the learned Trial Court in passing a conditional order, which does not call for any interference.

The appeal fails. However, there shall be no order as to costs.

This appeal is, thus, dismissed. The application is also accordingly dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)

