

07 10.05.2022

**FMA 1354 of 2021**

Ct-08

**Sahidur Mondal  
Vs.  
Tata Motors Finance Limited**

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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 2<sup>nd</sup> December, 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 plaintiff was adequately protected by the Order dated 2<sup>nd</sup> December, 2021, after taking into consideration the COVID pandemic situation by the Trial Court and the Trial Court restrained the financial company from taking possession of the vehicle without due process of law till 23<sup>rd</sup> December, 2021, subject to payment of admitted monthly E.M.I of Rs.30,000/- per month.

We feel that learned Trial Judge sufficiently protected the plaintiff and there cannot be unfettered right of hirer to enjoy the vehicle without complying hire purchase agreement.

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 2<sup>nd</sup> December, 2021 and the subsequent order has not been challenged before us.

FMA 1354 of 2021 is accordingly dismissed.

**(Sugato Majumdar,J.)**

**(Soumen Sen, J.)**

