

Item-7 06-05-2022

FMA 1352 of 2021

sg Ct. 8

Rahim Mondal
Versus
HDB Financial Services Ltd.

Mr. Pratip Mukherjee, Adv.
Mr. Sayak Ranjan Ganguly, Adv.
Ms. Srijani Ghosh, Adv.

...for the respondent

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant.

The appeal is arising out of an order dated 2nd December, 2021 passed by the learned Judge, 5th Bench, City Civil Court at Calcutta, by which a conditional order was passed in respect of a vehicle purchased under the Hire Purchase Agreement.

The learned Trial Judge, upon conscious of the fact that there are certain defaults in making payment of the EMIs, allowed the plaintiff to use and utilize the vehicle subject to payment of the admitted monthly instalments. The order was passed on 2nd December, 2021 and the matter was made returnable on 23rd December, 2021. The plaintiff is still in possession of the vehicle.

The learned Counsel representing the respondent submits that the order dated 2nd December, 2021 has not been complied with.

Under such facts and circumstances, we do not find any reason to interfere with the order dated 2nd December, 2021 passed by the learned Judge, 5th Bench, City Civil Court at Calcutta.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Sugato Majumdar, J.)

(Soumen Sen, J.)