

OD-7

AP/284/2023

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

PRADIP DAS

-VERSUS-

SHRIRAM TRANSPORT FINANCE COMPANY
LTD.

BEFORE

The Hon'ble Justice MOUSHUMI BHATTACHARYA

Date: 5th June, 2023

APPEARANCE:

Mr. Sankar Nath Mukherjee, Adv.

Mr. Niraj Gupta, Adv.

Mr. Aditya Biswas, Adv.

Ms. Afroja Nusrat, Adv.

...for the petitioner.

Mr. Debrup Bhattacharyya, Adv.

Mr. Kaushik Chatterjee, Adv.

...for the respondent.

The court: The only concern of the petitioner, as expressed by learned counsel, is that the respondent should not disturb the petitioner's possession of the vehicle bearing the registration number indicated in prayer (a) of the application.

This apprehension is allayed by learned counsel appearing for the respondent finance company. Counsel's submission is that the finance company shall not re-possess the vehicle if the petitioner continues to pay in accordance

with the agreement. Counsel also submits that the petitioner's prayer against the enhanced rate of interest can only be considered by the arbitrator and that the petitioner is yet to invoke the arbitration clause of the agreement.

This Court is of the view that since the present application has been necessitated on the petitioner's apprehension that his vehicle will be re-possessioned by the respondent and the respondent has sufficiently addressed that concern, nothing remains of the application. The contention with regard to the petitioner not agreeing to pay the instalment on an enhanced rate of interest is the matter which must go before the arbitrator.

AP/284/2023 is accordingly disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)