

ORDER SHEET

AP/351/2023

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

MD. MAINUDDIN ANSARI AND ANR.
Versus
CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 21st June, 2023.

Appearance:

Mr.S. N. Mukherjee, Adv.

Mr. Niraj Gupta, Adv.

Ms. Afroja Nusrat, Adv.

...for the petitioner

Mr. Paritosh Sinha, Adv.

Ms. Shreyasee Das, Adv.

Ms. Ranjana Ghosh, Adv.

...for the respondent

The Court: From the submissions made on behalf of the petitioner/borrower and the respondent/lender, it appears that pursuant to an order passed by a Co-ordinate Bench on 1st June, 2023, the petitioner paid Rs.80,000/- to the respondent as stated in the said order. Although the order records that the petitioner will make necessary representation to the respondent for release of the vehicle and the respondent shall consider the

same, it appears that the respondent has already handed over the vehicle to the petitioner on 15.6.2023.

Nothing further remains of the Section 9 application filed by the petitioner/borrower since only the other prayer is for an order of injunction restraining the respondent from transferring or selling the asset (the vehicle).

If the respondent has any further claim against the petitioner, that relief cannot be given in the present Section 9 Application which has been filed by the petitioner/borrower and only for the relief as stated above.

AP No.351 of 2023 is disposed of in terms of the above.

Since the respondent has admittedly handed over the vehicle to the petitioner, the order of injunction will naturally not operate against the respondent.

(MOUSHUMI BHATTACHARYA, J.)