

**FMA 730 of 2024**  
**with**  
**CAN 1 of 2024**

**Basant Sharma**  
**Vs.**  
**Cholamandalam Investment & Finance Co. Ltd.**

1. The appellant is not represented nor any accommodation is prayed for on behalf of the appellant. Even on the earlier occasion, the appellant was not represented. In our last order dated 5<sup>th</sup> November, 2024 we recorded that in the event the appellant is not represented on the adjourned date we may dispose of the appeal on the basis of the available record.
2. It appears from the record that the impugned order was passed on 23<sup>rd</sup> April, 2024 by which the present appellant was directed to pay Rs1,53,128/- to the respondent financial company by way of bank draft within 15 days i.e. 23.4.2024 and the appellant was also directed to submit an indemnity bond in respect of the total amount of future instalments to be paid by the appellant to liquidate the outstanding amount in the mean time. The matter was fixed on 9<sup>th</sup> May, 2024 for submission of bank draft and indemnity bond by the appellant. Admittedly, a sum of

Rs1,53,128/- became due and payable.

3. On such consideration, we do not find any reason to interfere with the order passed by the learned Judge, 7<sup>th</sup> Bench, City Civil Court at Calcutta.
4. In view of the above, the appeal being FMA 730 of 2024 stands dismissed.
5. In view of dismissal of the appeal CAN 1 of 2024 is accordingly dismissed.
6. However, there shall be no order as to costs.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(Soumen Sen, J.)**

**(Biswaroop Chowdhury, J.)**

