

18.04.2024
S/L. No. 17
Court No. 3
Suvayan/
Sourav

FMAT 394 of 2023
With
CAN 1 of 2023
With
CAN 2 of 2023
Tata Motors Finance Solution Limited
Vs.
Mr. Ijarul Sekh

Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh
Ms. Indrani Majumder
Mr. Rudra Narayan Chatterjee

...for the appellant.

In Re: CAN 1 of 2023

1. Heard learned Counsel for the appellant.
2. There is stated to be delay of 133 day in filing this appeal.
3. Regard being had to the submission advanced, we are satisfied about the delay caused in filing the appeal.
4. Accordingly, the delay in filing the appeal is condoned.
5. Accordingly, the interim application being CAN 1 of 2023 is disposed of.

In Re: FMAT 394 of 2023 with CAN 2 of 2023

1. Affidavit-of-service filed in Court today be kept on record.
2. In spite of service plaintiff/respondent has not yet appeared.
3. The appeal arises out of an order of ad interim injunction passed in favour of the plaintiff/respondent.

4. Regard being had to non-attendance of the plaintiff/respondent and especially the nature of the lis, we dispose of the appeal at the admission stage directing learned Judge, 10th Bench, City Civil Court at Calcutta to dispose of the injunction application finally within a period of two months excluding the period of summer vacation from the date of receipt of a copy of this order after hearing learned Counsel for the parties.
5. It is further directed that learned trial court shall modify the impugned order to the extent of payment of admitted dues one time or in installment on proper filing of application by the appellant before him for modification of the ad interim order.
6. We are constrained to observe thus in view of the fact that the plaintiff/respondent being a lonee cannot avoid the payment on any ground beyond the terms of agreement.
7. With the aforesaid observation, the appeal being FMAT 394 of 2023 along with CAN 2 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)