

02.04.2024
Court No. 3
S/L. No. 16
Sourav/
Suvayan

**FMAT 527 of 2023
With
CAN 1 of 2023
With
CAN 2 of 2023**

**Tata Motors Finance Ltd.
Vs.
Abdul Aziz Dafafar @ Adbul Aziz Dafadar**

*Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh
Ms. Indrani Majumdar*

... for the appellant.

In Re: CAN 1 of 2023

1. Heard learned Counsel for the appellant.
2. This is an application for condonation of delay.
3. There is stated to be delay of 55 days in filing the appeal.
4. Having heard the learned Counsel for the appellant, the delay is condoned.
5. Accordingly, the interim application being CAN 1 of 2023 is disposed of.

In Re: FMAT 527 of 2023 with CAN 2 of 2023

1. Learned Counsel for the appellant is present.
2. None appears for the respondent when the matter is called.
3. From the order sheet, it is found that in spite of our order dated 26.02.2024 and previous orders, the respondent has shown no readiness and willingness to repay the loan taken from the present petitioner/appellant.

4. The present appeal has been filed by the financier against the order passed by learned Judge, 6th Bench, City Civil Court at Calcutta in Title Suit No. 1592 of 2023 injunctioning the appellant from taking possession of the vehicle purchased by the respondent on taking loan from the appellant. Though several adjournments were taken, the respondent did not appear to deposit the amount directed by us to be deposited as part-payment to show the respondent's willingness and readiness to repay the loan amount in course with the terms of the agreement.
5. In view of such fact, we allow the appeal on the ground of absence of due diligence on the part of the respondent and set aside the impugned order dated 23.08.2023 in Title Suit No. 1592 of 2023 by learned Judge, 6th Bench, City Civil Court at Calcutta.
6. Accordingly, the appeal being FMAT 527 of 2023 along with interim application being CAN 2 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)