

25.09.2025
SL No.12
Court No.1
(gc)

**FMA 1323 of 2025
CAN 1 of 2024**

**Saifuddin Mondal
Vs.
SMFG India Credit Co. Ltd.**

Ms. Pampa Dey Dhabal,
Ms. Sangita Banerjee
...for the Appellant.

Ms. Soni Ojha,
Ms. Sambrita B. Chatterjee
...for the Respondent.

1. The only grievance of the appellant seems to be that prayer for restoration of possession of the vehicle has not been decided although interim injunction was extended from time to time. It is submitted that during the pendency of the suit and in violation of the order of injunction, the vehicle has been sold.
2. The learned Counsel for the respondent submits that the vehicle was repossessed prior to the institution of the suit due to defaults and has been sold subsequently.
3. We direct the learned Judge, Bench-V, City Civil Court to dispose of the application under Section 151 of the C.P.C. within three months from the date of communication of this order on merits and after giving a reasonable opportunity of hearing to the parties. In the event it is found that the vehicle is sold in violation of the order of

injunction, appropriate order may be passed by the learned Trial Court in this regard.

4. Accordingly, the appeal and the application are disposed of.
5. However, there shall be no order as to costs.
6. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

[Soumen Sen, C.J. (Acting)]

(Apurba Sinha Ray, J.)