

OCD 5

ORDER SHEET

AP-COM/213/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AMIT DAS
VS
CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 26th March, 2025.

Mr.Sankar Nath Mukherjee, Adv.
Mr. Niraj Gupta, Adv.
Ms. Manisha Paswan, Adv.
...for the petitioner.

Mrs. Tutul Das Singh , Adv.
Mr. Amar Singh, Adv.
Mr. Ranjit Singh, Adv.
Mr. Pranit Biswas, Adv.
Ms. Talat Nazreen, Adv.
...for respondent.

The Court : Learned Advocate for the finance company submits that the finance company have not threatened the petitioner to resume the vehicle and the loan agreement has not been terminated.

This Court is of the view that the finance company cannot be restrained by a blanket order of injunction from taking possession of the hypothecated asset, as the terms and conditions of the loan cum hypothecation agreement entitle the finance company to resume the vehicle, if the borrower commits default.

Under such circumstances, the prayer made in this application cannot be allowed. However, as the learned Advocate for the petitioner

submits, on instruction, that the petitioner proposes to approach the finance company for settlement of the claim, this Court restrains the finance company from taking possession of the vehicle for a period of one month from date, within which time the petitioner shall proceed to approach the finance company for settlement of the outstanding dues and this Court leaves it open to the parties to settle the dispute.

AP-COM/213/2025 is disposed of.

(SHAMPA SARKAR, J.)