

OCD 6

ORDER SHEET

AP-COM/214/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

JIYARUL HAQUE
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 : The petitioner prays for an injunction on the finance company from resuming the vehicle.

Learned Advocate for the finance company submits that a blanket injunction of such nature cannot be passed. The petitioner is still enjoying the hypothecated asset. However, it is submitted that the petitioner is in default. Admittedly, two loan accounts were entered into between the parties and the petitioner is in default in respect of both the loan accounts.

However, as the finance company submitted that the loan agreements have not yet been terminated and they have not taken any steps

nor have they threatened to resume the vehicle as yet, this Court does not think it necessary to pass any injunction, as prayed for.

The parties are at liberty to settle the dispute in accordance with law.

AP-COM/214/2025 is disposed of.

(SHAMPA SARKAR, J.)