

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/744/2025
JIYARUL HAQUE
VS
CHOLAMANDALAM INVESTMENT AND FINANCE CO. LTD.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 22nd September, 2025.

Appearance:

Mr. Ranjit Singh, Advocate
Ms. Tutul Das Singh, Advocate
Mr. Amar Singh, Advocate
Ms. S. Mukherjee, Advocate
...for the petitioner.

Mr. Sankar Nath Mukherjee, Advocate
Mr. Niraj Gupta, Advocate
... for the respondent.

1. This is an application for injunction upon the respondent, by restraining the respondent from taking possession of the vehicle.
2. Admittedly, the petitioner has not paid the dues. The vehicle is still in the possession of the petitioner. A blanket order of injunction cannot be passed when the repayment has not been made as per the repayment schedule. The vehicle is the hypothecated asset.
3. The petitioner seeks to arrive at a one-time settlement with the respondent. The petitioner is at liberty to make an offer and the respondent may accept the offer or give its counter offer. However, in view of the non-payment, no blanket order of injunction can be made.

4. The respondent, shall, however, proceed strictly in accordance with law.
5. The application stands disposed of. The parties are at liberty to proceed for arbitration of the disputes.

(SHAMPA SARKAR, J.)

R. D. Barua / S. Kumar