

23.02.2026

Item no.DL 18
Court No. 16

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

Case No.

FMA 136 of 2026

with

CAN 1 of 2026

In the matter of :

POONAWALLA FINCORP LIMITED

... Appellant

-Versus-

PRASENJIT MONDAL

... Respondent

For the Appellant :

Mr. Shounak Mukhopadhyay

Ms. Sambrita B. Chatterjee

... Advocates

1. The present appeal has been preferred against an order whereby ad interim injunction has been granted in favour of the plaintiff/respondent, restraining the defendant / appellant, a finance company, from disturbing the "peaceful possession" of the plaintiff / respondent in respect of vehicle no.WB-45-5433 without due process of law till the next date fixed, subject to the condition that the plaintiff / respondent will go on depositing Rs.25,000/- every month in the loan account of the plaintiff till the liquidation of the loan, failing which the ad interim injunction shall stand automatically vacated.
2. Learned counsel for the appellant refers to paragraph 7 of the plaint filed by the respondent

himself, wherefrom it appears that it is an admitted position that the defendant / appellant financed a sum of Rs.18,35,195/- and the same is liable to be paid by way of 47 equal monthly instalments at the rate of Rs.52,033/-, commencing from October 5, 2025 to August 5, 2029.

3. Learned counsel for the appellant argues that despite the admitted monthly instalment being Rs.52,033/-, the learned Trial Judge has imposed a condition for grant of injunction to the tune of Rs.25,000/- per month, which is less than half the amount agreed by the parties.
4. The appeal is required to be heard on the above question and the other grounds taken in the memorandum of appeal and is accordingly admitted.
5. The appellant shall serve copies of the memorandum of appeal and CAN 1 of 2026 on the respondent, indicating that the appeal and the application will be taken up together for hearing, on the papers already available before this Court, on the returnable date, i.e., March 16, 2026, when the matter shall next be listed under the heading "Application".

6. The appellant shall file an affidavit of service to that effect on the returnable date.
7. The notice to be served by the appellant will be deemed as service of notice of the appeal as well on the respondent.
8. In view of the short purview of the matter, calling for the Trial Court Records and other formalities are dispensed with for the present.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)