

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Ajay Kumar Gupta

FMAT 233 of 2026

Cholamandalam Investment & Finance Company Ltd.

Vs.

Atinur Rahaman

With

CAN 1 of 2026

CAN 2 of 2026

For the Appellant : Mr. Ritoban Sarkar
Mr. Ranjit Singh
Mr. Agnik Maulik

Hearing concluded on : July 28, 2026

Judgment on : July 28, 2026

Debangsu Basak, J.:-

1. Appeal is at the behest of a defendant and directed against

Order No. 2 dated April 20, 2026 passed in Title Suit No. 726 of

2026.

2. Essentially, the plaintiff/respondent took on hire a motor vehicle from the appellant/defendant before us.
3. It is contended on behalf of the appellant that there exists an arbitration agreement between the parties. Arbitration agreement was suppressed by the respondent. The impugned order should therefore be vacated.
4. Appeal is yet to be served upon the respondent.
5. We are not directing service of the appeal prefers since we are proposing to dispose of the appeal itself on the basis of the materials made available to us.
6. We find that the respondent filed a suit in which the impugned order was passed. Impugned order is an ex parte ad interim order of injunction restraining the appellant from taking possession of the vehicle. It is conditional in nature. It provides that upon failure of deposit of a sum of Rs.20,000/- per month, the ex parte ad interim injunction restraining the appellant from

taking possession of the motor vehicle will stand automatically vacated.

7. It is contended on behalf of the appellant that despite the impugned order dated April 20, 2026, the respondent did not deposit the sum of Rs.20,000/- per month with the appellant.
8. Appellant is at liberty to take appropriate steps in terms of the impugned order, if so advised.
9. The impugned order contains cogent reasons as to grant ex parte ad interim injunction as done. We do not find any ground to interfere with the discretion exercised by the learned Judge granting the ex parte ad interim injunction as in the present case. The application under Sections 5 & 8 of the Arbitration and Conciliation Act, 1996 of the appellant filed before the learned Single Judge, no doubt will be decided, in accordance with law.
10. Since we did not enter into the merits of the appeal, save and except, assessing as to whether the conditional ex parte ad

interim injunction was correctly passed, we make it clear that all points raised by the parties are kept open to be decided by the learned Trial Judge without being influenced by any of the observations made by us in this order.

11.FMAT 233 of 2026 and the connected applications being CAN 1 of 2026 and CAN 2 of 2026 are disposed of.

(Debangsu Basak, J.)

12. I agree

S.D.

(Ajay Kumar Gupta, J.)