

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.83 of 2024

Sri Saikat Banerjee alias Saikat Bandyopadhyaya alias Appu, working for gain at Hotel Sonar Tori, Rolandsay Road, Agartala, West Tripura-799001

.....Petitioner(s);

Versus

Sri Anal Roy Choudhury, Editor & Publisher of “PRATIBADI KALAM”, at Choudhury Bhawan, Hariganga Basak Road, Melarmath, Agartala, Tripura-799001

.....Respondent(s)

For Petitioner(s) : Mr. Anirban Roy, Advocate,
Mr. Abhrajit Mitra, Advocate,
Mr. Hrituraj Banik, Advocate,
Mr. P. Sahu, Advocate.

For Respondent(s) : None.

HON’BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

06/09/2024

Heard Mr. Anirban Roy, learned counsel for the petitioner.

2. The injunction order dated 24.06.2024 passed by learned Civil Judge (Sr. Division), Court No.1, West Tripura, Agartala in CM (Inj) 56 of 2024 (arising in connection with TS 99 of 2024), passed on the second date on an appearance of the defendant has been vacated by the impugned order dated 26.07.2024 passed by learned Addl. District Judge, Court No.2, West Tripura, Agartala in Misc. Appeal 06 of 2024 with a further direction to the learned Trial Court to dispose of the injunction petition as expeditiously as possible preferably within two months from the date of the order of the Court. The parties have been directed to cooperate in the disposal of case without taking unnecessary adjournments.

3. Learned counsel for the petitioner submits that the learned Appellate Court fell in serious error in vacating the interim order of injunction which was not even ex parte since the defendant had appeared on that date and had unnecessarily sought time. Though time, as prayed for by them was granted, but considering the exigency of the situation where malicious publications were being made against the petitioner in connection with a criminal case, under investigation at that point of time, the learned Trial Court had restrained the defendant from issuing further publication of such nature against the plaintiff. Learned counsel for the petitioner however also submits that whether the petitioner had a *prima facie* case and the balance of convenience lied in his favour or whether was irreparable injury likely to result if injunction was not granted are matters which are primarily to be considered by the Trial Court. However, without any basis, the learned Appellate Court interfered in the order when the plaintiff-petitioner apprehended continued injury to his reputation. Therefore, the impugned order passed by the Appellate Court may be interfered and petitioner may be protected in the meantime.

4. I have considered the submission of learned counsel for the petitioner and the materials placed from record. Without making any comments on the order dated 15.06.2024 which was passed after appearance of the defendant, though on the first date on which notices were issued i.e. 15.06.2024, the Trial Court had refused to grant any interim injunction in favour of the petitioner, and that since the passing of the impugned order dated 26.07.2024 which directs the learned Trial Court to decide the injunction application within two months; almost more than one month has passed, this

Court instead of interfering in the matter at this stage considers it proper to reiterate the direction passed upon the learned Trial Court to decide the injunction petition strictly within the timeframe prescribed by the learned Appellate Court i.e. two months from the date of the order dated 26.07.2024 as the petitioner approached the learned Trial Court with an apprehension of damage to his reputation alleging background facts and instances of malicious paper publications. On query made to the learned counsel for the petitioner, it appears that since the passing of the impugned order dated 26.07.2024, there are no fresh instances of any malicious publication harming the reputation of the petitioner allegedly made at the behest of the defendants. Be that as it may, it is expected that the defendant would not precipitate the matter in the meantime as the injunction petition is to be decided by the learned Trial Court in the time frame as directed by the appellate court while vacating the interim injunction in their favour.

5. With the aforesaid observations, the instant revision petition is disposed of.

(APARESH KUMAR SINGH), CJ

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