

3rd November, 2020
(D/L No.3)
(SKB)

C.O. 1265 of 2020
(Via Video Conference)

Ujjal Bakshi
Versus
Anik Chowdhury and others

Mr. Somnath Mondal,
Mr. Anisur Rahaman
... for the petitioner

Mr. Aniruddha Chatterjee,
Mr. Saptarshi Kr. Mal
... for the respondent

The petitioner has come up against an order dated 21st September, 2020 by which the interim application filed by the petitioner for restricting the opposite parties from using the name and other marks of the petitioner's dance academy, was rejected.

Learned Counsel appearing for the petitioner submits that the opposite parties have been under the petitioner's training for several years and the petitioner seeks an order so that the said training can continue without disturbance. Counsel submits that the petitioner's goodwill in relation to the dance academy has been unfairly used by the opposite parties on the social media without petitioner's authorization.

On perusal the order impugned, this Court is of the view that the learned Court below has indicated clear reasons for refusing to allow the relief sought by the petitioner. The learned Court below has placed

emphasis on the absence of a written contract between the petitioner and the opposite parties. Although such contention is refuted by learned counsel for the petitioner, this Court is not inclined to interfere or vary the order dated 21st September, 2020.

The prayer in relation to a direction on the opposite parties to continue their training under petitioner is misconceived and cannot be granted. The only relief in the circumstances is that the suit for declaration filed by the petitioner be considered and decided without much delay by the learned Court below. The learned Court below is accordingly requested to consider the miscellaneous appeal being Misc. Appeal No.58 of 2020 pending before the learned District Judge, Barasat, North 24 Parganas, without delay and given the constraints of the Pandemic.

C.O.1265 of 2020 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)