

03.12.2021
Court No.8
Item No.7
SB

FMA 574 of 2017
CAN 1 of 2016

Shivananda Math Yogashram & Ors.
Vs.
Kakali Prakashani & Ors.

None of the parties are present when the matter is called on for hearing. The parties were also not represented yesterday.

The appeal arising out of an order of refusal of injunction dated 16.05.2016. We find a co-ordinate Bench passed an ad-interim order of injunction and restrained the respondents and / or their men and agents from publishing the two copy right books named 'Yogabala Rog-Arogya' and 'Sachitra Yog Bayam' in any manner initially for a period of four weeks which was ultimately extended till the disposal of the appeal by a subsequent order dated 05.12.2018.

We feel no useful purpose would be served if the appeal is kept pending before this Court although, lower court records were called for.

Accordingly, we dispose of the appeal and the applications by giving a direction upon the learned District Judge, Barasat, North 24 Parganas to dispose of the Title Suit No. 2 of 2016 as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

We request the learned District Judge to pass peremptory direction with regard to the procedural matters in order to make suit ready for hearing and proceed with the hearing of the suit as expeditiously as possible without granting any unnecessary adjournment to any of the parties. The interim order passed on 24.04.2017 and subsequently extended on 05.12.2018 shall continue till the disposal of the injunction application.

In addition to the aforesaid direction since the appeal has not been disposed of on merit finally, we direct the learned District Judge to dispose of the same within three months from the date of communication of this order by the department.

The appeal and application are disposed of.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)