

**HIMALAYAN PLYWOOD PRIVATE LIMITED
VS. VEDANT FASHION PRIVATE LIMITED & ORS.**

Mr. Ranjan Bachwat..Sr.Adv.
Mr. Debdutta Raha
Mr. Sayantan Basu
Mr. Tanmoy Roy
Mr. Santanu Guchhait
..for the petitioner
Mr. Debnath Ghosh
Mr. Victor Dutta
Mr. V. Mazumder
..for the opposite parties

The petitioner has challenged the orders dated March 23, 2021, March 24, 2021 and March 26 2021 passed by the learned Judge, Commercial Court at Alipore in Title Suit No. 5 of 2021.

Mr. Ranjan Bachawat, learned Senior Advocate appearing on behalf of the petitioner submits that the learned Court below instead of fixing a date for hearing of the injunction application which was pending, rejected an application filed by the petitioner under Section 151 of the Code of Civil Procedure in which a prayer for fixing a date for hearing of the application was made. Costs have been imposed and the proceedings have not progressed thereafter.

Mr. Ghosh, learned Advocate appears on behalf of the opposite parties.

Having considered the rival contentions of the parties, this Court is of the opinion that the learned Court below should dispose of the application for injunction upon hearing the contesting parties. It is submitted that the written objection to the said application has already been filed. Records reveal that April 20,2021 has been fixed for case management hearing but no particular date has been fixed for hearing of the application for temporary injunction.

Under such circumstances, without going into the merits of the claims and counter claims of the parties, this revisional application is disposed of with a direction upon the learned Court below to dispose of the pending application in accordance with law, independently and on its own merits. The injunction application shall be disposed within a period of one month from the next date fixed without granting any unnecessary adjournments to either of the parties. The order for payment of costs is set aside.

This revisional application is disposed of.

There will be however no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

(Shampa Sarkar,J.)

