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C.O. 951 of 2022

**Mahindra and Mahindra Limited
Vs
Kanishk Sinha & Ors.**

Mr. Sabyasachi Chaudhury,
Mr. Rupak Ghosh,
Mr. V.V.V. Sastry,
Mr. Debjoti Saha

... for the petitioner.

Mr. Barnamoy Basak. ... for the opposite parties.

A direction to secure expeditious disposal of pending interlocutory application under Order 1 Rule 10 of the Code of Civil Procedure and another application under Order 39 Rule 4 of the Code of Civil Procedure, is the ultimate relief sought for in this case.

Admittedly, this is suit under Intellectual Property Act alleging violation of Patent Rights. This is also the admitted position that in the pending suit, the petitioner has not even made parties alleging it to be the perpetrator or violator of the Patent Right.

Mr. Sabyasachi Chaudhury, learned advocate appearing for the petitioner submits that though the petitioner has not been added as parties to the pending suit, but consequent upon the ad interim order of injunction granted in this case, the petitioner has been made to suffer huge financial loss.

Having understood the order of ad interim order of injunction granted in this case, an application under

Order 1 Rule 10 C.P.C. was filed on 21st July, 2020, read with an application under Order 39 Rule 4 C.P.C. seeking modification and/or variation of the ad interim order of injunction.

The only contention expressed by the petitioner is the delay caused in the disposal of such interlocutory applications.

Mr. Barnamoy Basak, learned advocate appearing for the opposite parties submits that there has been material suppression of facts, which needs to be looked into in connection with the disposal of pending interlocutory applications.

Having considered the submission of both sides, let there be an order directing the court below to ensure expeditious disposal of pending interlocutory application referred hereinabove, bearing in mind the alleged financial loss, said to have been sustained by the petitioner, preferably within six weeks from the date of communication of this order, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

Petitioner is directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite parties and the opposite parties.

With this observation and direction, the revisional

application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)