

22.03.2023
SL No.74
Court No. 654
Ali

IN THE HIGH COURT AT CALUTTA
Civil Revisional Jurisdiction
Appellate Side

C.O. 1643 of 2022

Sri Narendra Hirawat
Vs.
Sri Sukesh Agarwal & Anr.

Mr. Shuvasish Sengupta,
Mr. Soumyajit Mishra,
Mr. B. Sen,
Mr. Abhrajit Roy chowdhury
.....for the petitioner.

This is an application under Article 227 of the Constitution of India filed by the defendant no.1-petitioner praying for expeditious disposal of the application under Order No. XXXIX Rule 1 and 2 of the Civil Procedure Code, 1908 filed by the plaintiff in Title Suit No. 1001 of 2019 pending before learned Judge, Bench-VI, City Civil Court at Calcutta.

The brief fact of the case is that the plaintiff-opposite party No. 1 filed a suit for declaration and other consequential reliefs, being Title Suit No. 1001 of 2019 before the learned Judge, Bench-VI, City Civil Court at Calcutta. In the said suit the plaintiff-opposite party No. 1 also filed an application under order XXXIX Rule 1 and 2 read with Section 151 of the Civil Procedure Code. The learned trial court passed an ad interim order of injunction restraining the defendant No. 1-petitioner and it's men and agents or assignees from exhibiting and/or

exploiting the said two Bengali feature films “*Biyer Phool*” and “*Rakte Lekha*”. The defendant No.1-petitioner entered appearance in the suit and filed its written statement as well as written objection against the application for injunction. However the application for injunction has not yet been disposed of. Hence this revision is filed for appropriate order for expeditious disposal of the application for injunction.

Mr. Shuvasish Sengupta, learned advocate for the defendant No.1-petitioner submits that the defendant No. 1 entered appearance on 4th October, 2021 and on 8th April, 2022 filed its written statement and written objection against the injunction application. However the injunction application has not yet been heard and disposed of. He submits for appropriate order.

It is found from the order sheets of the learned trial court that the defendant No. 1-petitioner entered appearance on 4th October, 2021 and filed its written objection against the injunction application on 8th April, 2022. Defendant No.1-petitioner also filed written statement in the suit on the self-same date. Thus the application for injunction requires to be disposed of expeditiously.

It is informed that there is no Regular Judge at present in Bench-VI of City Civil Court at

Calcutta and the matters are being taken up by Judge in-Charge of the VIth Bench.

In view of the above, the learned Judge, Bench-VI, City Civil Court, Calcutta or Judge-in-Charge of such Bench is directed to dispose of the application for injunction in Title Suit No. 1001 of 2019 filed by the plaintiff preferably within a period of three months from date of communication of this order without granting unnecessary adjournment to either of the parties.

Petitioner-defendant No.1 is directed to communicate this order to the learned trial court as well as to the plaintiffs and their learned advocates appearing in the trial court.

With the aforesaid observations, the revisional application being **C.O 1647 of 2022** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stand disposed of.

Urgent photostat copy of the order, if applied for, be given to the parties upon compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)