

22.03.2023
SL No.75
Court No. 654
Ali

**IN THE HIGH COURT AT CALUTTA
Civil Revisional Jurisdiction
Appellate Side.**

C.O. 1645 of 2022

**Sri Narendra Hirawat
Vs.
Bajrang Lal 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-petitioner praying for a direction for expeditious disposal of the application under Order XXXIX Rule 1 and 2 filed by the plaintiff and Order XXXIX Rule 4 of the Civil Procedure Code, 1908 filed by the defendant in Title Suit No. 1002 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 permanent injunction and other consequential reliefs, being Title Suit No. 1002 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 praying for injunction. The learned trial court passed ad interim order of injunction

restraining defendant-petitioner and its men and agents from exhibiting and/or exploiting the said Bengali feature film "*Tomar Rakte Amaar Sohaag*". The defendant-petitioner entered appearance in the suit and filed its written objection against injunction application of the plaintiff and also filed an application under Order XXXIX Rule 4 of the Civil Procedure Code for vacating ad interim injunction. The defendant-petitioner by filing the present revision prays for expeditious disposal of both the applications under Order XXXIX Rules 1 and 2 as well as under Order XXXIX Rule 4 of the Code.

It is found that the defendant-petitioner entered appearance on 16.07.2021 and filed written statement, written objection against the injunction application and also filed a petition under Order XXXIX Rule 4 of the Civil Procedure Code. Since July, 2021 both the applications are pending for disposal. Thus the aforesaid application 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 matter 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. 1002 of

2019 under Order XXXIX Rules 1 and 2 filed by the plaintiff and under Order XXXIX Rule 4 of the Code file by defendant 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 is directed to communicate this order to the learned trial court as well as to the plaintiff and their learned advocates appearing in the trial court.

With the aforesaid observations, the revisional application being **C.O 1645 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.)