

**FMAT 354 of 2022
With
CAN 1 of 2022**

**M/S Royz Media and Entertainment
Vs.
Gourav Chatterjee & Anr.**

**Mr. Deb Kumar Sen
Mr. Buddhadeb Das**

.....For the appellants

**Mr. Suddhasatva Banerjee
Mr. Akanksha Mukherjee**

..... For the respondents

We formally admit the appeal.

After hearing learned counsel for the parties, we are in a position to dispose of it dispensing with all formalities:

The subject matter of the suit is a documentary feature film “Jete Nahi Debo”. It is about the last 8 years of the life of Uttam Kumar, the legendary Bengali film star. The suit was instituted by his grand son Gourav Chatterjee, complaining that in the film the late actor had been disparaged and that it ought not to be allowed to be exhibited or be made available for viewing in any kind of media.

The learned court below on 2nd December, 2019 granted an ad interim order of injunction acceding to the said prayer of the plaintiff/petitioner. Upon

exchange of affidavits by a final judgement and order made on 27th April, 2022, the application was allowed confirming the ad interim order.

Learned counsel for the appellant/petitioner submits that it is a defamation suit and that such suit is not maintainable by the heirs and legal representatives of a dead man, allegedly defamed. Furthermore, a substantial amount of money has been invested by the appellant and/or received by the appellant in connection with production and exhibition of the film. He submits that this order of injunction should be vacated.

On the other hand, the respondents' case is that inter alia, the film lowers the image of the entire family denigrates the respondents, affecting their career and family life. They have not claimed damages, which is usual in a defamation suit.

At the time of admission of the appeal this order of injunction which is subsisting from 2019 can not be vacated. This order can only be considered by the court after the appeal is got ready for hearing on filing of paper book etc. and on hearing the respondents. We are of the opinion that the better course would be if the hearing of the suit before the learned court below is expedited.

We are told that in the suit the written statement has been filed, discovery and inspection completed.

In that view of the matter, we direct the learned court below to expeditiously decree or dispose of the suit by 30th September, 2023.

The impugned order of the learned court below dated 27th April, 2022 will continue till the disposal of the suit or until further order whichever is earlier.

Our observations are to be taken as prima facie. All points are kept open before the learned court below.

The appeal and the connected application are disposed of.

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)