

13.12.2024
Sl. No.27(DL)
Court No. 36
CP

CPAN No. 355 of 2021
In
C.O. 491 of 2021
Caravan Electricals Pvt. Ltd.
Versus
Deb Chandra Shukla & Anr.

Mr. S. Dasgupta
Mr. Samrat Mukherji
Ms. D. Basu
Mr. Rik Mukherj

...for the Applicant

By this contempt application the petitioner/applicant complains of violation of the order dated March 11, 2021 passed in CO 491 of 2021. The operative portion of the order of this Court is quoted below:-

“Under such circumstances, the defendants are restrained from selling their product upto March 19, 2021. The application for temporary injunction shall be decided by the learned court below within a period of two months from the next date fixed.

It is made clear that the petitioner shall be at liberty to pray for an ad interim order before the learned court below on the next date, which shall be considered in accordance with law. The opposite parties shall file their written objection within March 19, 2021, when the matter is fixed in the learned court below.

It is also made clear that as the issue involves business transactions of the parties and comparative financial loss, the learned Judge-in-Charge of the Court should take up the matter, in case, the court of the learned Additional District Judge, 13th Court at Alipore is vacant.

The revisional application is disposed of.”

According to the petitioner/applicant the defendants continued to sell the products despite a restrain order passed by this Court.

It appears from the order passed by this Court that the defendants were restrained from selling their products upto March 19, 2021. The application for temporary injunction was directed to be decided by the learned trial court within a period of two months from the next date fixed. It was made clear that the petitioner/applicant would be at liberty to pray for an ad interim order before the learned trial court on the next date fixed and such prayer shall be considered in accordance with law. The opposite parties/defendants in the suit were also granted liberty to file the written objection. It is informed to the Court that the application for temporary injunction has since been disposed of with orders in favour of the petitioner/applicant.

Under such circumstances, the order which was passed by this Court was limited only to March 19, 2021 and the allegation of contempt of the said order is no longer available in view of the disposal of the main injunction application. The plaintiffs' remedy would be to approach the learned trial judge by filing an appropriate application as per the provisions of the Code of Civil Procedure.

Hence, the contempt proceeding is dropped.

The contempt application is disposed of.

(Shampa Sarkar, J.)