

AD-21
Ct No.16
30.01.2025
TN

FMAT 35 of 2025
IA No: CAN 1 of 2025

Mohunlal Club
Vs.
Debabrata Paul

Mr. Sourav Sen, ld. Sr. Adv.,
Mr. Dipak Ranjan Mukherjee

....for the appellant

Mr. Aniruddha Chatterjee, ld. Sr. Adv.,
Mr. Souradipta Banerjee,
Mr. Sayan Ganguly,
Mr. Rudranil Mitra,
Mr. Sk. Saad Nafisul Islam

....for the respondent

1. The present appeal has been preferred against an order whereby the plaintiff/appellant's ad interim prayer, allegedly for implementation of an injunction order granted in the suit, in connection with a proceeding under Order XXXIX Rule 2A of the Code of Civil Procedure, has been turned down.
2. Learned counsel for the appellant places reliance on the injunction order dated February 15, 2021 passed in the appellant's suit bearing Title Suit No. 222 of 2021, whereby the defendants/opposite party nos.1 to 4 and their men and agents were restrained from interfering with respect of the participation of the players admitted by the plaintiff/petitioner in any tournament.

3. Learned counsel argues that by virtue of the ad interim prayer in connection with the Order XXXIX Rule 2A application complaining of violation of the said order, the plaintiff/appellant sought a restraint order on the defendants from fielding under the Mohunlal Club in any cricket tournament, any cricket player having registration card bearing the signature of the defendant/respondent Debabrata Paul.
4. It is argued that the only way in which the injunction order obtained by the plaintiff could be implemented is by virtue of the said ad interim prayer (b) as made in the Order XXXIX Rule 2A application.
5. It is also submitted that the materials on record show that the defendant/respondent Debabrata Paul is seeking to induct his own players in the cricket team under the name of the said club, thereby frustrating the efforts of the plaintiff to include its players, which would be contrary to the injunction order.
6. We find from the records, however, that although in the temporary injunction application filed in connection with the suit, the plaintiff had specifically sought injunction not only in terms of the ad interim order granted in its favour but also further injunction restraining the defendant's recommended players from participating before any authority in any manner. However, while passing the ad interim order

vide order dated February 15, 2021, although the first relief sought in the injunction application was granted by the trial court, the second relief regarding restraining the defendant from having its recommended players participating before any authority was not granted, hence deemed to have been refused.

7. Thus, in the garb of an ad interim prayer made in connection with the application under Order XXXIX Rule 2A of the Code of Civil Procedure for implementation of the interim order granted to the plaintiff, the plaintiff/appellant is seeking to re-introduce the relief which has already deemed to have been refused by the injunction order dated February 15, 2021.
8. Moreover, seen from a different perspective as well, the injunction order granted in favour of the appellant by the suit court was merely to restrain the defendants/respondents from interfering with respect to participation of the players admitted by the plaintiff. Such restraint order is not mutually exclusive with the defendant Debabrata Paul also including his players under the name of the club in the cricket tournament.
9. As such, the ad interim prayer (b) of the Order XXXIX Rule 2A application is in no way connected with the implementation of the injunction order obtained by

the plaintiff but is an independent relief which was refused in the suit itself.

10. Thus, the learned Trial Judge was justified in holding that no injunction order was passed restraining the defendant from fielding his players after registration under Mohunlal Club in the cricket tournament.
11. Accordingly, on the grounds attributed in the interim order as well as on the additional grounds as supplied above, we are of the clear opinion that there is no illegality and/or irregularity or erroneous exercise in the impugned order dated January 09, 2025, whereby the petitioner's ad interim prayer in connection with its Order XXXIX Rule 2A application was turned down.
12. Hence, FMAT 35 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure. Consequently, CAN 1 of 2025 also stands dismissed.
13. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)