

12. 20.08.2025
Court No.16.

(Pritam)

**FMAT 334 of 2025
with
CAN 1 of 2025**

**Titagarh Wagons Ltd.
-Vs.-
Umakant Mishra.**

Mr. Sayantan Bose,
Ms. Priyanka Gope.

.....for the appellant.

Mr. Dwatiman Banerjee,
Mr. Debayan Roy.

....for the respondent.

1. The refusal to pass an ad-interim order of injunction is the subject-matter of challenge in this appeal.
2. It appears that several applications are pending before the learned Civil Judge (Sr. Div.), 3rd Court at Barasat and we expect that the pending applications which are procedural in nature are required to be disposed of as expeditiously as possible.
3. The earlier injunction application is still pending in which an order of injunction was prayed for restraining the defendant from issuing letters similar to letters dated January 31, 2022, June 7, 2022, June 21, 2022 and 8th July, 2022. The second application was filed in view of a subsequent the letter dated June 30, 2025. The said letter is the communication from the Hon'ble Minister for State of Coal to the Hon'ble Minister of Railways, Government of India, in which certain complaints made by the

respondent on the basis of the representation made by the respondent.

4. The learned counsel for the appellant submits that all the allegations made in the said letters are false and made with an intention to disrepute the plaintiffs.
5. The defendant has not filed any suit for recovery of money and made slanderous comments against the plaintiff without any justification. It is further submitted that in order to avoid its obligation to refund the amount paid in excess, the defendant is making slanderous remarks against the plaintiff.
6. In the background of the facts and circumstances of the case and having regard to the letter of June 30, 2025, the learned trial court felt that an opportunity should be given to the respondent. The learned trial court observed that the plaintiff is required to clarify the stand and proposition of law as to whether the two applications under Order 39 Rule 1 & 2 of CPC having similar relief can subsist simultaneously one being not pressed or amended.
7. Having regard to the subsequent events and in view of the pendency of the earlier application, in our view, both the applications could have been heard together and disposed of in presence of the respondent in accordance with law. The learned advocate for the respondent appears and submits that he has received instructions to represent the respondent in this

proceeding. The respondent should file written objection to the second application within one week from date. Reply thereto, if any, be filed on or before September 1, 2025.

8. The learned trial court is requested to dispose of the injunction applications in accordance with law after giving a reasonable opportunity of hearing to both the parties, preferably and if possible, on September 2, 2025 and if for any reason hearing of the applications could not be concluded on the said date, the hearing of the said applications to be concluded preferably within a period of a fortnight therefrom.
9. Since the application for amendment is formal in nature, the learned trial court is requested to dispose of the said application within one week from the date of communication of this order.
10. The Appeal being FMAT 334 of 2025 along with CAN 1 of 2025 are disposed of accordingly.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)