

Dd **6 02.12.2025**

AO-COM/34/2025
THE STATESMAN LIMITED
VS
INNOCENT MERCHANDISE PRIVATE LIMITED & ANR.
IA NO: CAN/1/2025

Mr. Soumen Kr. Dutt, Sr. Adv.
Mr. Sakabda Roy,
Mr. Dipranjan Mukhopadhyay,
Mr. Souvik Ghosh, Advocates
... ... For the Appellant/Defendant No.1

Mr. Surajit Nath Mitra, Sr. Adv.
Mr. Sankarshan Sarkar,
Mr. Aniket Chaudhury,
Mr. Samridha Sen, Advocates
... ... For the Respondent No. 1

Mr. Jishnu Chowdhury, Id. Sr. Adv.
Mr. Uttam Sharma,
Mr. Abhidipto Tarafdar, Advocates
....For the Respondent No. 2

1. Appeal is at the behest of the defendant No. 1 and directed against Order No. 2 dated July 31, 2025 passed by the learned Judge, Commercial Court at alipore in T.S.(Com) 17 of 2025 and Order No. 5 dated August 19, 2025 passed in T.S.(Com) 17 of 2025 by the learned Judge, Commercial Court at Alipore.
2. By the Order No. 2 dated July 31, 2025, learned Judge, passed an ex parte ad interim of injunction. By the Order No. 5 dated August 19, 2025, learned Judge, extended the order of injunction till the next date.
3. Learned senior advocate appearing for the appellant, submits that, after the learned Trial Judge, returning a finding that, no prima facie case

under Order XXXVIII, Rule 1 and 2 of the Code of Civil Procedure, 1908 was made out, proceeded to grant an ex parte ad interim order of injunction. He submits that, after the finding of no prima facie case being made out no order of injunction could be passed.

4. Plaintiffs/respondents are represented.
5. As noted above, Order No. 2 dated July 31, 2025 is an ex parte ad interim order of injunction. The appellant before us, appeared before the learned Judge on the next date and in their presence, the ad interim order of injunction was extended by the next impugned order bearing Order No. 5 dated August 19, 2025.
6. Since both the orders are at the ad interim stage without the Court coming to a finding with regard to the rival contentions of the parties and, since, the impugned orders contain some reasons, we are not minded to interfere with the exercise of discretion made by the learned Judge, as recorded in the impugned order. We, however, clarify that we did not enter into the merits of the rival contentions of the parties in any manner whatsoever. Learned Judge will proceed to dispose of the application pending before it, in accordance with law as expeditiously as possible without being influenced by any of the observations made by us in this order.
7. We are informed that, the appellant before us did not file the written objection within time to the pending application.
8. In our view, interest of justice would be subserved by permitting the appellant before us to file their written objection by December 17, 2025, reply, if any, thereto by January 5, 2026. Learned Trial

Judge is requested to list the pending applications as expeditiously as possible in the month of January, 2026 and endeavour to dispose of the same.

9. AO-COM/34/2025 along with the connected application are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)