

28.07.2025
SI No.10
Court No.16
(gc)

**FMA 2995 of 2013
CAN 2 of 2016 (Old No: CAN 1776 of 2016)**

**Shalimar Chemical Works Ltd.
Vs.
Lutfar Rahaman Jamadar & Ors.**

Mr. Shaunak Mukhopadhyay,
Mr. Biswajit Kumar,
Ms. Iram Hassan,
Mr. R. Ganguly,
Mr. U. Upadhyay,
Mr. Himanshu Bhawsinghka
...for the Appellant.

1. The prime consideration for refusal to pass ad-interim ex parte order seems to be that the name of the plaintiff had changed in the meantime but such fact was not evident from the materials filed before the learned Trial Court. It appears that a Coordinate Bench while admitting the appeal on 2nd August, 2013 considered this aspect of the matter and, inter alia, passed the following order:-

“We are of the view that in the facts and circumstances of the instant case, an interim order as prayed for, should at least have been granted, for a limited period, and the application under Order 39 Rules 1 and 2 posted for early consideration and disposal, upon notice to the respondents. The learned court itself found that Shalimar Chemical Works Ltd. had purchased the suit property and was owner of the same. The balance of

convenience was clearly in favour of grant of ad-interim order of injunction, as prayed for by the plaintiff/petitioner. The appellant/petitioner has made out a strong prima facie case in appeal.

We are of the view that balance of convenience is in favour of the appellant. There will be an ad-interim order as prayed for in this petition restraining the respondent nos.29 to 230 from interfering with the possession of the suit property in any manner whatsoever. Status quo with regard to possession, nature and character of the property shall be maintained. The interim order shall remain in force for a period of six weeks from date or until further orders whichever is earlier.”

2. In spite of notice, the respondents are not represented.
3. Noticing such facts, the interim order was extended from time to time and confirmed on 29th January, 2014. The present appellants had filed an application on 19th February, 2016 for recording the change of name of the appellant. It appears that the Ministry of Corporate Affairs issued a certificate of incorporation consequent upon conversion from Shalimar Chemical Works Private Limited to a Private Limited Company and hence this is

a mere formality to record the change of name of the original plaintiff.

4. Hence, we allow this application for change of name of plaintiff from a public company to a private limited company.
5. There shall be an order in terms of prayer (a).
6. The department is directed to make necessary amendments within 10 days from date.
7. The TCR shall also be amended on the basis of this order for the purpose of convenience.
8. After such amendment is carried out, the TCR shall be immediately sent down to the learned Trial Court for early disposal of the injunction application on merits.
9. In view of the fact that the aforesaid interim order continued for almost 12 years with no opposition from the respondents/opposite parties, the appeal is disposed of by confirming the said interim order as the basis of the interim order and the appeal to be heard are same and, in our view, with the protected interim order of injunction application is required to be heard and disposed of at the earliest.
10. The appellants after the amendment is carried out shall serve a copy of the amended plaint and the injunction application upon each of the

respondents by Speed Post with A.D. within a fortnight thereafter and we direct the learned Trial Court to fix the injunction application on a suitable date soon after receipt of the TCR and dispose of the injunction application on merits after giving a reasonable opportunity hearing and filing written objection by the opposite parties.

11. It would be open for the learned Trial Court to appoint competent advocates from the panel of the lawyers of DLSA, South 24-Parganas for representing such of the opposite parties who are entitled to legal aid.
12. The department is also directed to communicate this order to each of the respondents by Speed Post with A.D. for which the requisite costs to be deposited by the plaintiff/appellant within one week from date.
13. The report as regards service shall also be sent down along with the TCR.
14. The Registrar Administration (L&OM) is directed to ensure compliance of this order.
15. A copy of this order shall also be sent to the learned District Judge, South 24-Parganas for information.
16. Accordingly, the appeal and the application are disposed of.

17. However, there shall be no order as to costs.
18. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)