

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE**

*APO/39/2022
WITH CS/232/2021*

*SHREE BAIDYANATH AYURVED BHAWAN PVT. LTD.
-VS-
DABUR INDIA LIMITED*

wt.

APO/27/2022

*DABUR INDIA LIMITED
-VS-
SHREE BAIDYANATH AYURVED BHAWAN PVT. LTD.*

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

-AND-

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

For the Appellant in APO/39/2022 & : Ms. Amrita Panja Moulick, Adv.
for the Respondent in APO/27/2022

For the Respondent in APO/39/2022 & : Mr. Sudipta Sarkar, Sr. Adv.
For the Appellant in APO/27/2022 : Mr. Debnath Ghosh, Sr. Adv.
Mr. Sudhakar Prasad, Adv.
Mr. Nilankan Banerjee, Adv.

HEARD ON : 11.12.2025

DELIVERED ON : 11.12.2025

DEBANGSU BASAK, J.:-

1. Two appeals are taken up for analogous hearing as they emerge from the same impugned judgment and order dated February 8, 2022.
2. APO/39/2022 is at the behest of Shree Baidyanath Ayurved Bhawan Pvt. Ltd. (hereinafter referred to as "Baidyanath" for the sake of

convenience). APO/27/2022 is at the behest of Dabur India Limited (hereinafter referred to as “Dabur” for the sake of convenience).

3. Dabur filed a suit for injunction against Baidyanath alleging disparagement.
4. Learned senior advocate appearing for the appellant submits that, Dabur and Baidyanath are manufacturers of Chyawanprash. Manufacture of chyanwanprash is guided by statute. He draws the attention of the Court to the impugned judgment and order. He submits that, Baidyanath is guilty of disparaging the product of Dabur. Dabur drew the attention of the learned Single Judge as to the materials which were disparaging to Dabur. Learned Single Judge, in the injunction petition, was pleased to grant injunction in respect of many of the materials which were disparaging Dabur. However, in respect of annexures- J and K of the injunction petition, learned Single Judge did not grant an order of injunction as prayed for. He submits that, Dabur is aggrieved by such portion of the impugned judgment and order where, injunction in respect of Annexures-J and K were not granted.
5. Referring to Annexure-J of the injunction application, learned senior advocate appearing for Dabur submits that, learned Single Judge found that, there was an element of disparagement as also an element of false statement made in Annexure-J. He submits that, learned Single Judge erred in not granting injunction on Annexure-J. He draws the attention of the Court to the fact that learned Single Judge allowed Baidyanath to remove reference to “42 ingredients”.

He submits that, the manufacture of chyawanprash is governed by law. Dabur follows the ayurvedic text with regard to such manufacture. Therefore, simplicitor removal of those two words will not make the offending materials as it stands not disparaging. He submits that, even after removal of those two words, offending materials remained disparaging to Dabur.

6. So far as the annexure K is concerned, learned senior advocate appearing for the Dabur submits that, again, removal of “42 ingredients” would not render the offending material as not disparaging, on the same reasoning as that of annexure J.
7. Baidyanath is represented in Court. Adjournment is sought for on the ground of learned senior advocate.
8. We took up the two appeals for hearing in the second call. At the first call, no prayer for adjournment was made.
9. In the second call, appropriate ground for adjournment is not made out. It is submitted that, a date may be fixed for the learned senior advocate to appear.
10. With the deepest of respect, we are not in a position to accept such kind of request of fixing date for matters. Cause lists are published. Matters are taken up serially. Nothing special is drawn to our attention to fix a date specifically earmarked for hearing the appeal.
11. The present appeals are appearing in the monthly list which was called on from time to time on a number of days. In fact, even yesterday the entirety of the monthly list was called on including the two appeals when, Baidyanath was not represented.

- 12.** In such circumstances, the prayer for adjournment is rejected.
- 13.** On our calling upon learned advocate appearing for Baidyanath to address the Court, learned advocate did not do so.
- 14.** In view of the conduct of Baidyanath as noted above, appeal of Baidyanath directed against impugned judgment and order being APO/39/2022 is dismissed.
- 15.** So far as the appeal of Dabur being APO/27/2022 is concerned, we find that, learned Single Judge considered Annexures J and K and granted permanent injunction thereon in its present form. However, learned Single Judge permitted such advertisement to continue if, the words “42 ingredients” are removed.
- 16.** Prima facie, it appears that Dabur is following the statutory requirement while producing the Chyawanprash. Moreover, learned Single Judge found Annexures J and K to be disparaging. Removal of the two words “42 ingredients” will not render Annexures J and K which are otherwise disparaging to be not disparaging. No reasons for the same appears from the impugned judgment and order. Once the material is held to be disparaging the removal of the two words would not alter the situation. Annexures ‘J’ and ‘K’ would continue to remain disparaging with or without those two words.
- 17.** In such circumstances, we modify the impugned judgment and order. So far as paragraphs 21, 22 and 26 are concerned, we grant interim injunction in respect of Annexures-J and to the injunction petition.

18. APO/27/2022 is disposed of accordingly.

(DEBANGSU BASAK, J.)

19. I agree

(MD. SHABBAR RASHIDI, J.)