

09.04.2026
Item No.10 (DL)
Court No.06
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 1163 of 2026

**Jaydeep Roy Chowdhury
-Vs-
Smt. Keya Mitra**

Mr. Susanta Pal.
.....for the petitioner.
Mr. Suman Chattopadhyay.
.....for the opposite party.

1. This revisional application is directed against an order dated November 25, 2025 passed by the learned Additional District Judge, Fast Track 4th Court at Alipore, South 24-Parganas whereby the petitioner's application for rejection of plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908 has been dismissed.

2. The opposite party has instituted a suit for decree of damages against the petitioner under Section 55 of the Copyright Act of 1957, *inter alia* on the ground of infringement of copyright.

3. The petitioner, being the defendant in the suit filed an application under Order VII Rule 11 of the Code, seeking rejection of the plaint alleging that the learned Trial Court did not have territorial jurisdiction to entertain the suit and also on the ground that the plaint does not mention the place where the contract of publication was entered into.

4. Learned Advocate appearing for the petitioner submits that the suit was barred under Section 19 of the Copyright Act, 1957.

5. Having heard the learned Advocate for the petitioner and having considered the material on record, this Court is unable to find any reason to interfere with the order impugned.

6. The learned Trial Court has referred to Section 62(2) of the Copyright Act, 1957 and has rightly held that in terms thereof a suit can be instituted by a person in a Court within whose jurisdiction such person voluntarily resides or carries on business. The Court has referred to the address of the opposite party/plaintiff and found that the opposite party/plaintiff is resident of a place within the jurisdiction of the learned Trial Court and as such the learned Trial Court has sufficient jurisdiction to try the suit.

7. Although the ground of there being no written contract under Section 19 of the 1957 Act had not been taken before the learned Trial Court in the application under Order VII Rule 11 of the Code, yet even if the same is considered, it would not lead to rejection of plaint. Section 19 of the 1957 Act deals with assignment of copyright. The plaint case is not one of the assignment of copyright at all. The case is one of the infringement of the opposite party's alleged original work.

8. It is settled law that for the purpose of deciding an application for rejection of plaint under Order VII Rule 11 of the Code, only the plaint along with the documents referred to in it and forming the basis thereof are to be looked into and nothing else. Tested at such standard, this Court is unable to find any error, far less jurisdictional error in the order dated November 25, 2025 passed by the learned Trial Court.

9. For the aforesaid reasons, C.O. 1163 of 2026 stands dismissed. No costs.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)