

D/L.8.
February 23, 2026.
MNS.

FMAT No. 181 of 2025

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CAN 2 of 2025

Sikha Sikdar

Vs.

Mitra and Ghosh Publishers' Private Ltd.

Mr. Gautam Das,
Mr. Sandep Kumar Tiwari

... for the appellant.

Mr. Shubham Gupta,
Mr. Anirban Ghosh,
Mr. Rajsekhar Bal Bakshi

...for the respondent.

1. The present appeal has been preferred against an order whereby the temporary injunction application of the plaintiff/appellant has been dismissed.
2. The plaintiff/appellant claims to be a bookbinder, who has done some work for the respondent, which is a publishing company.
3. During the course of such transactions between the parties, it is alleged that the appellant did some work, the payment for which remain unpaid by the respondent, for which the present money suit has been filed.
4. Learned counsel for the appellant also alleges that, within the knowledge of the respondent, certain machinery has been installed at the premises of the respondent by the appellant for doing such bookbinding work for the respondent.

5. As such, the plaintiff/appellant sought an injunction in the suit by way of the temporary injunction application restraining the respondent from evicting the plaintiff/appellant from the suit premises.

6. By way of ad interim protection, the learned trial Judge had granted injunction restraining the defendant/respondent from dispossessing the plaintiff/appellant with her men and machinery of the binding unit till the handing over the unfinished work as entrusted upon the plaintiff/petitioner by the defendant/respondent, as described in paragraph no. 11 of the temporary injunction application.

7. However, at the time of final reckoning, while disposing of the injunction application, the learned trial Judge, *inter alia*, came to the finding that the plaintiff/appellant has no right, title or interest in respect of the schedule property of the plaint. As such, the injunction application was dismissed.

8. Learned counsel for the appellant argues that in view of the installation of machinery by the plaintiff/appellant at the disputed premises of the respondent, the appellant is entitled to the injunction initially granted in ad interim form.

9. Learned counsel for the appellant cites a co-ordinate Bench judgment of this Court in the case of *M. L. Dalmiya and Company Limited Vs. Pragati Engineering Pvt. Limited and another* reported at *CAL LT 1990(2) HC 178*.

10. However, on a perusal of the said judgment, we find that the same was in respect of a claim of injunction in furtherance of the money claim.

11. The sort of injunction sought in the said matter was a restraint order on the respondents collecting their dues from the appellant therein.

12. Hence, evidently, the nature of injunction sought in the said matter had a nexus with the money claim, restraining the respondents therein from making further claims on the self-same cause of action as that of the suit.

13. As opposed to the said case, in the present litigation, the plaintiff/appellant seeks a temporary injunction in respect of the immovable property which admittedly belongs to the defendant. Such said injunction prayer is completely divorced from and unconnected with the money claim made in the suit.

14. Moreover, as rightly observed by the learned trial Judge, no right, title and/or interest in the immovable property belonging to the respondent has been made out by the appellant at all.

15. Even if the appellant might have a claim with regard to the machinery installed by the appellant at the premises of the defendant/respondent, the remedy of the appellant in that regard lies in further money claim for damages, if at all.

16. However, the said claim does not entitle the appellant to stay on at the suit premises indefinitely.

17. During arguments, learned counsel for the appellant further submits that in the meantime the appellant has been dispossessed by the respondent from the suit premises.

18. As such, in any event, the appeal has been rendered infructuous.

19. We make it clear that we have not entered into the merits of the respective contentions of the parties conclusively and the learned trial Judge will be at liberty to decide the suit (including on the question as to whether the suit is barred in view of operation of the Commercial Courts Act, 2015 as raised by the defendant/respondent before us for the first time) independently, on its own merits, without being influenced in any manner by any of the observations made herein or in the impugned order.

20. However, in view of the above observations, we find no merit in the appeal.

21. Accordingly, FMAT No. 181 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

22. The connected application, bearing CAN 2 of 2025, is also disposed of without any order as to costs.

23. Urgent certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Supratim Bhattacharya, J.) (Sabyasachi Bhattacharyya, J.)