

Form No. J(2)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Supratim Bhattacharya

FMA 1800 of 2025
IA No: CAN 2 of 2025

Soumitra Sreemani
Vs.
New Central Book Agency Private Limited and another

For the appellant : Mr. Sayantan Basu, Sr. Adv.,
Mr. Aditya Mondal

For the respondents : Mr. Ayan Jana,
Mr. Munshi Mijanur Rahaman,
Mr. L. R. Mondal,
Mr. Rajdeep Adhikari
Mr. Ayan Kumar Boral (via VC)

Heard on : 19.11.2025 & 06.01.2026

Judgment on : 06.01.2026

Sabyasachi Bhattacharyya, J.:-

1. The present appeal has been preferred against an order whereby the application of the defendant/appellant under Order XXXIX Rule 4 of the Code of Civil Procedure has been dismissed by the learned Trial Judge.
2. The appellant is an author of a book, the publishing rights of which was given to the respondent no.1-company, of which the respondent no.2 is a Director.

3. The appellant alleges that the royalty as agreed between the parties is not being paid by the respondents to the appellant. Furthermore, by a previous order passed by a coordinate Bench of this Court, the respondents were directed to file quarterly statements of accounts, which are also not been filed in a proper manner, as such entitling the appellant to the vacating of the interim injunction which was passed in favour of the respondents.
4. Learned counsel for the respondents contends that the suit is already on the peremptory board and the final hearing has commenced. It is submitted that it is somewhat difficult to file quarterly statements, since the publishers distribute the copies of the book authored by the appellant to different sellers/retailers and the payments are often not received in time. Since the distribution is made in a staggered manner, as are the payments, it is submitted that it is difficult to put in quarterly statements.
5. However, this Court is unable to appreciate such difficulty, as portrayed by the respondents, since the order of the coordinate Bench was very specific and has not been challenged, to the effect that quarterly statements are to be filed by the respondents.
6. Even if the distribution and the payments are made in a staggered manner, the quarterly statements should reflect the exact receipts and dues on the dates of preparation of such statements as well as the exact quantum of the distributed books as well as the particulars of the retailers or the other sellers to whom the books are distributed, including other relevant details.

7. Hence, such contention of the respondents cannot be taken into account.
8. However, since a coordinate Bench has already put the respondents to terms and the suit has reached the peremptory board, this Court is of the opinion that for the ends of justice, the suit ought to be requested to be disposed of at an early date.
9. Be that as it may, we are also of the opinion that the respondents should be put to strict terms in order to ensure that the defence taken by the defendant in the suit is not prejudged prior to the final disposal of the suit.
10. In such view of the matter, FMA 1800 of 2025 is disposed of by modifying the impugned order, bearing Order No. 45 dated July 11, 2025 passed by the learned Judge, Tenth Bench, City Civil Court at Calcutta in Title Suit No. 860 of 2022 to the effect that in the event the plaintiffs/respondents do not file the quarterly statements of accounts, which are pending till date, by the end of January, 2026 before the trial court and thereafter file the next quarterly statement by March 15, 2026 and subsequently go on filing such statements till disposal of the suit (if the suit is not disposed of by then), the interim injunction granted in favour of the plaintiffs/respondents shall stand automatically vacated without further reference to the Court.
11. Simultaneously, we express hope and trust that the learned Trial Judge shall dispose of the suit itself, if necessary by taking up the same for day-to-day hearing, latest by the end of March, 2026.

12. It is further clarified that we have not entered into the merits of the respective contentions of the parties and it will be open to the learned Trial Judge to decide the suit on its own merits independently and in accordance with law.
13. CAN 2 of 2025 is also disposed of in the light of the above observations.
14. There will be no order as to costs.
15. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)