

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

CIVIL MISCELLANEOUS APPEAL No.326 OF 2020

JUDGMENT: (Per Hon'ble Dr. Justice Shameem Akther)

This Civil Miscellaneous Appeal, under Order XLIII Rule 1 of CPC, is filed by the appellant/defendant No.2, challenging the order, dated 01.09.2020, passed in I.A.No.567 of 2020 in O.S.No.160 of 2020 by the learned XXV Additional Chief Judge, City Civil Court, Hyderabad, whereby, the Court below granted ad-interim injunction restraining the appellant/defendant No.2 and respondent No.2 herein/defendant No.1 and their men from releasing, streaming, transmitting, distributing, exhibiting, performing or communicating to public or by any means of technology by audio or video performance of the Investigative Docuseries titled "Bad Boy Billionaires-India" using the name/image/reference of the respondent No.1 herein/plaintiff and the trailer released thereof, till 21.09.2020.

2. We have heard the submissions of Sri C.V.Mohan Reddy, learned senior counsel, appearing for Sri Bommineni Vivekananda, learned counsel for the appellant/defendant No.2, Sri S.Niranjan Reddy, learned senior counsel, appearing for Sri

A.Venkatesh, learned counsel for the respondent No.1/plaintiff and perused the record.

3. Several questions have been raised by both the senior counsel and other counsel on record. The material placed on record reveals that the impugned order was passed by the Court below on 01.09.2020. In the course of submissions, it is brought to the notice of this Court that the subject impugned order, dated 01.09.2020, is being extended from time to time and till date, the impugned order is in force.

4. The subject I.A.No.567 of 2020 in O.S.No.160 of 2020 is filed before the Court below under Order XXXIX Rules 1 and 2 read with Section 151 of CPC, praying the Court below to grant temporary injunction restraining the appellant/defendant No.2 and respondent No.2 herein/defendant No.1 and their men from releasing, streaming, transmitting, distributing, exhibiting, performing or communicating to public or by any means of technology by audio or video performance of the Investigative Docuseries titled "Bad Boy Billionaires – India" using the name/reference of the respondent No.1 herein/plaintiff and the trailer released thereof, pending disposal of the suit.

5. The subject I.A.No.567 of 2020 has not been finally disposed of by the Court below, it is required to be disposed of expeditiously on merits. When the matter is *sub judice* before the Court below, it is not appropriate to go into the merits and express an opinion at this stage. In such an event, it will have a bearing over the determination of the subject I.A.No.567 of 2020. Further, Order XXXIX Rule 3A mandates that where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the injunction was granted; and where it is unable so to do, it shall record its reasons for such inability. In view of the pendency of this CMA before this Court, the Court below had not adverted to the provisions of Order XXXIX Rule 3A of CPC.

6. In view of these circumstances, the learned XXV Additional Chief Judge, City Civil Court, Hyderabad, is directed to dispose of the subject I.A.No.567 of 2020 in O.S.No.160 of 2020, pending on its file, within a period of three (3) weeks from today. It is made clear that no opinion is expressed with regard to the merits of the case. The Court below shall dispose of the subject I.A.No.567 of 2020, on merits, in accordance with law.

Both the parties shall cooperate for the disposal of the subject I.A.No.567 of 2020 within the time indicated above.

7. With the above directions, this Civil Miscellaneous Appeal is disposed of.

Miscellaneous petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

26th October, 2022
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