

ORDER SHEET
GA NO. 927 of 2014
APO No. 215 of 2012
CS No. 142 of 2012

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

BALAJI TELEFILMS LIMITED
Versus
SAREGAMA INDIA LIMITED & ORS

BEFORE:

The Hon'ble JUSTICE BANERJEE

The Hon'ble JUSTICE ARIJIT BANERJEE

Date : 28th March, 2014.

Appearance:
Mr. Tilak Bose, Sr. Advocate with Mr. S. Sengupta
Mr. Arindam Guha and Ms. S. Roychowdhury
Ld. Advocate for the appellant.
Mr. Debnath Ghosh, Ld. Advocate
For the respondent.

The Court :- Two years before an appeal was disposed of by the Division Bench wherein the Division Bench asked the appellant to deposit a sum of Rs.50 lac as security. Accordingly, the appellant deposited the said sum which is lying to the credit of the suit and the Registrar, Original Side has already invested the same in a suitable interest bearing fixed deposit account.

Two years later, the appellant has now come up for modification of the said order to the extent, instead of cash security they would replace the same by a Bank guarantee. Mr. Tilak Bose, learned Senior Counsel appearing in support of the application, would

justify his prayer by saying, the respondent should be satisfied with the appropriate security. Since the bank guarantee is as good as cash, unnecessary blockage of Rs.50 lac would cause immense prejudice to the appellant. The submission of Mr. Bose might be logical. However, we are functus officio. We do not have any lis pending before us. An order passed two years ago could not be modified in the way as prayed for. We do not find any subsequent event pleaded that would justify the application for modification save and except, the learned Judge did not dispose of the matter.

Mr. Bose also contends, the appeal was not formally disposed of. From the nine pages order passed by the Division Bench, it is almost clear, the appeal was disposed of. However, the formal disposal was not recorded. Let the Department record the formal disposal of APOT Nos. 220 and 221 of 2002.

This application, accordingly, fails and is hereby dismissed without any order as to costs.

(BANERJEE, J.)

(ARIJIT BANERJEE, J.)