08.10.2026
Court No.7
Item No.8
AP

HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

FMAT 9 of 2026
With
CAN 1 of 2026

Smt. Jyoti Karkee @ Karki
Vs.
Mr. Bikash Chettri and Ors.

Mr. Nripen Das
Mr. Debanjan Das
Mr. A. Newar
Ms. Sukanya Bhaumik

... For the Appellant.

Mr. Anand Bhandari
Mr. Urgen Lama
Mr. Mayank Bhandari

... For the Respondent No.1.

1. Leave is granted to the learned advocate-on-record for the appellant to remove the defects, if any.

2. Heard learned counsel for the parties.

3. The grievance of the respondents/defendants is that the appellant/plaintiff has encroached upon both public and private property and has made illegal and unauthorized construction.

4. It is further argued that the contract to the hospital for supply of manpower entered into by the hospital with the appellant has since been terminated and/or expired by efflux of time.

5. Learned counsel for the appellant vehemently opposes such submissions and submits that the

contract is subsisting. He denies that his client has encroached any public or private property.

6. These are matters that require to be dealt with after trial and evidence. The defendants have remedies available open in both public and private law. They may pursue such remedies in accordance with law and also defend the suit.

7. This should not, however, entitle the defendants/ respondents to make any publication of any material that is found libelous or defamatory by the appellant.

8. Even assuming for the sake of argument that the publication made by the respondents are true and correct, this Court sees that the allegations of the respondents against the appellant are required to be established before a Court of law.

9. In that view of the matter, the respondents are restrained from publishing any material against the appellant in any media. Any publication already made shall be deleted from any media.

10. Since the respondents have not used any affidavit-in-opposition to the stay petition filed by the appellant, none of the allegations contained in the pleadings in the appeal shall be deemed to have been admitted by the respondents.

11. The Trial Judge is requested to expeditiously dispose of the suit in question.

12. The Trial Judge shall proceed in the mater uninfluenced by any observations made hereinabove.

13. With the aforesaid observations, FMAT 9 of 2026 is disposed of. Consequently, CAN 1 of 2026 is also disposed of.

14. There shall be no order as to costs.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Reetobroto Kumar Mitra, J.)