

25.09.2026.
Court No.13
Item No. 3
ap

A.O. (COM) 30 of 2026
With
I.A. No. CAN 1 of 2026

Adarsh Kumar Agarwalla & Anr.
Versus
Culinary Brands India Private Limited & Ors.

Mr. Suman Kumar Dutt, Ld. Sr. Advocate,
Mr. Mohit Gupta,
Mr. A.P. Agarwalla.

...For the appellants.

Mr. Vipul Kundalia, Ld. Sr. Advocate,
Ms. Aritra Chakraborty,
Mr. Rajesh Bharadwaj,
Mr. Anindya Kannan.

...For the respondent no.1.

1. The instant appeal is directed against the judgment and order dated 29th June, 2026 passed by the Commercial Court, South 24 Parganas at Alipore in Title Suit (Com) 04 of 2026. The said order was passed in I.A. No. 3 of 2026, which is an application under Order 39, Rules 1 and 2 read with Section 151 of the Code of Civil Procedure.

2. The subject matter of the disputes between the parties is the termination of a Sub-Franchise Agreement by the Franchisor, the respondent no.1 herein. By reason of the order of termination passed after the suit was filed, the Sub-Franchise in favour of the plaintiffs came to be ended.

3. Several questions have been raised by Mr. Suman Kumar Dutt, learned Senior Advocate appearing for the appellants, inter alia, as to whether

the termination Clause under the agreement could have covered the grievance expressed by the Franchisor.

4. It is also argued that the basis of the letter of termination of the Sub-Franchise was outside the scope of the contract between the parties.

5. Learned Counsel for the respondents/defendants in the suit has questioned the maintainability of the suit, inter alia, on the ground that the Commercial Court, South 24 Parganas at Alipore did not have territorial jurisdiction in view of alleged mandatory jurisdiction clause by and between the parties under the Sub-Franchise contract in question.

6. It is pointed out that the parties had conferred exclusive jurisdiction to the Courts at New Delhi to agitate their grievances arises out of the contract in question.

7. Mr. Dutt, learned Senior Advocate representing the plaintiffs/appellants disputes the same.

8. Be that as it may, there is an application pending under Order VII, Rule 10 of the Code of Civil Procedure filed by the respondents/defendants.

9. Having heard the learned Counsel appearing for the respective parties, this Court directs the suit to be expedited.

10. It is requested that the Commercial Court at Alipore shall dispose of the suit as expeditiously as

possible. The observation of the Court in the impugned order dated 29th June, 2026 shall be treated as tentative and the same shall not stand in the way of parties urging to the contrary and establishing in course of final hearing of the suit, if warranted.

11. Pending injunction application, if any, shall be disposed of at the earliest opportunity by the Trial Court.

12. With the aforesaid observations, A.O. (COM) 30 of 2026 shall stand disposed of.

13. In view of disposal of the appeal itself, the connected application being CAN 1 of 2026 shall also stand disposed of.

14. There will be no order as to costs.

15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Anuj Singh, J.)