

16th June,
2025
(AK)
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F.M.A.T 190 of 2025
IA No: CAN 1 of 2025

Exide industries Limited
Vs.
Unmesh V.M.

Mr. Sudhasatva Banerjee
Mr. S. Dasgupta
Mr. Ashis Kr. Mukherjee
Mr. Saurabh Prasad

...for the appellant.

1. Leave is granted to the learned Advocate-on-record for the appellant to make good the defect pointed out by the Department by carrying out the necessary corrections to the Memorandum of the Appeal.
2. Learned counsel for the appellant contends that the learned trial Judge erred in law and in fact in refusing the prayer for *ad interim* injunction sought by the plaintiff in its suit for defamation against the defendant by completely overlooking the damaging and immediate nature of the wild allegations made against the plaintiff-Company.
3. We find from the impugned order that the learned trial Judge primarily proceeded on the premise that the defendant may have a good defence insofar as the plaintiff-company usurping the patented technology of the defendant is concerned.

4. However, from the annexures to the application filed in connection with the appeal, which were also placed before the trial court, we find that the allegations are palpably unacceptable and are not confined merely to the purported usurpation of the patented technology of the defendant/respondent by the appellant.
5. In the several communications made to different unconnected authorities, the defendant/respondent has made patently baseless allegations such as the appellant-company being a fraudulent company and other such damaging statements, which *prima facie* have the effect of adversely affecting the business of the appellant as well as being patently defamatory in nature.
6. Hence, the appeal is admitted and will be heard on the above questions and on the other grounds taken in the memorandum of appeal.
7. In view of a *prima facie* case having been made out, there being urgency, and the balance of convenience and inconvenience being in favour of grant of injunction, the defendant/respondent/opposite party shall remain restrained by an order of injunction in terms of the prayers made in CAN 1 of 2025, to the effect that the defendant/respondent shall not, by himself and/or through his men and agents, threaten,

publish or circulate any article or issue any statement to the appellant and/or to any third party, either through emails, social media or through any other media whatsoever, containing words similar to the ones used in the letters and communications annexed as Annexure-G to the plaint filed in Title Suit No.639 of 2025 as well as any other communication having the purport or effect as mentioned above or designed to injure the business and goodwill of the appellant and/or any other threatening communication in any other manner whatsoever, having the effect of defaming and interfering with the business and regular affairs of the appellant-company, till disposal of the application.

8. A copy of the application shall be served on the opposite party, indicating the returnable date, at the earliest.
9. An affidavit-of-service to that effect shall be filed by the appellant on the returnable date.
10. The application shall next be listed in the monthly list of July, 2025.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)