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C.R.P.(MD)No.1941 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.1941 of 2022

and

C.M.P.(MD)No.8834 of 2022

Ramesh Flowers Private Limited,
A Company incorporated under the
Companies Act, 1956,
Having its Registered Office at
A-62A, Sipcot Industrial Estate,
Veerapandiapuram, Tuticorin, Tamil Nadu
and represented herein by its
Managing Director Mr.Suresh

.. Petitioner

Versus

Sumit Srimal

.. Respondent

Prayer :- Petition filed under Article 227 of the Constitution of India, seeking an ex parte ad-interim temporary order of injunction as against the respondent from further defamation in I.A.No.2 of 2022 in O.S.No.140 of 2022, on the file of the I Additional District Court at Tuticorin and allow the Civil Revision Petition.

For Petitioner : Mr.J.Sivanandaraaj
Senior Counsel
for Mr.C.Mahadevan

For Respondent : Mr.H.Manivannan



ORDER

This Civil Revision Petition has been filed seeking an ex parte ad-interim temporary order of injunction as against the respondent from further defamation in I.A.No.2 of 2022 in O.S.No.140 of 2022, on the file of the I Additional District Court at Tuticorin.

2.The petitioner is a Private Limited Company, who has filed O.S.No.140 of 2022 before I Additional District Court at Tuticorin. The said suit has been filed for a permanent injunction to restrain the respondent from issuing any damaging statement against the petitioner. The prayer in the above suit reads as under:-

"(a) Direct the Defendant to cease and desist and permanently injunct from disclosing any confidential and sensitive information relating to the Ramesh Flowers Limited, its holding company or its subsidiaries and also consequentially destroy the material papers illegally gathered while in service in the presence of a Court officer;

(b) Direct the Defendant to cease and desist and permanently injunct from disclosing any confidential and sensitive information relating to the internal enquiry about to any third party which will affect the business of the plaintiff in future also;

(c) Direct the Defendant to cease and desist and permanently injunct from contacting or communicating with clients of the Plaintiff;

(d) Direct the Defendant to cease and desist and permanently injunct from contacting or communicating with employees of the Plaintiff in respect of their employment;

(e) Direct the Defendant to perpetually injunct/cease and desist from issuing, disseminating, circulating, or communicating any defamatory, malicious, scandalous statement(s), allegations, insinuations, either written or spoken, thereby amounting to libel, by way of publication of the same, and/or slander against the Plaintiffs, by way of emails, letters, SMSes, social media posts, websites, newspapers print or electronic, or in any other manner whatsoever, to any third parties/general public including but not limited to newspaper editors, journalists, clients, business associates/business partners of the Plaintiffs or any other third



parties/general public.

(f) Direct the Defendant to retract his defamatory emails with an unconditional apology for maligning the reputation of the Plaintiff;

(g) Direct the Defendant to pay to the Plaintiff a sum of INR 10.50.000 (Rupees Ten Lakh Fifty Thousand) as damages for maligning the reputation of the Plaintiff;

(h) Direct the Defendant to pay the cost of this suit; and

(i) Grant such other further relief as this Hon'ble Court may deem fit on the facts and circumstances of this case, in the interests of justice and equity."

3.In the above suit, the petitioner had also prayed for an interim injunction in I.A.No.2 of 2022. The said application is pending.

4.The suit was numbered on 12.09.2022 and notice was ordered on 14.09.2022 and thereafter, it was posted to 26.09.2022. It appears that the respondent continued to issue damaging statements against the petitioner and therefore, the petitioner rushed to this Court and filed this Civil Revision Petition on 20.09.2022. This Court, granted an order of interim injunction on 22.09.2022, which has been continued till date.

5.The learned Senior Counsel for the petitioner submits that the petitioner was constrained to approach this Court for getting an interim order, as the respondent was sabotaging the reputation of the petitioner by issuing statements against the Directors and Promoters of the petitioner Company.



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6.It is further submitted that the respondent was a former employee of the petitioner Company along with his uncle Mahendra Raj Singhwi and that secret information of the petitioner Company were being leaked out by the respondent to the creditors and clients. It is therefore submitted that this Court was inclined to grant an interim order.

7.Per contra, the learned counsel for the respondent has drawn the attention to the counter affidavit filed by the respondent in C.M.P.(MD)No.8834 of 2022 to vacate the interim order.

8.The learned counsel for the respondent has relied on the following decisions of this Court as well as Allahabad High Court to substantiate that no Civil Revision Petition under Article 227 of the Constitution of India against the order directing issuance of notice on an application for interim injunction, was maintainable.

(i) **M/s.Vinayaga Capitals vs. M/s.Aishwarya Feeds and others** [C.R.P. (PD)No.2586 of 2021, dated 23.11.2021]

(ii) **Yogesh Kumar Sharma vs. Smt.Munni Devi and others** reported in **2009 AIHC 1972 : 2009 (3) All. LJ 43**

(iii) **Imamuddin vs. Mohammed Yusuf and others** reported in **2006 (3) All. LJ 233**



9.By way of rejoinder, the learned Senior Counsel for the petitioner submits that several damaging and damning statements have been made against the petitioner Company and the legal firm/counsel may be expunged.

10.I have heard the learned Senior Counsel for the petitioner and the learned counsel for the respondent.

11.Considering the aforesaid submissions, I am inclined to dispose of this Civil Revision Petition, by directing the learned I Additional District Judge at Tuticorin to dispose I.A.No.2 of 2022 in O.S.No.140 of 2022, within a period of 30 days from the date of receipt of a copy of this order. Pending disposal of the above I.A., the interim order passed by this Court on 22.09.2022, which has been subsequently extended from time to time, shall remain in force. The counter affidavit, which has been filed by the respondent containing statements against the counsel/legal firm shall stand expunged. However, there shall be no restriction on the part of the respondent to file appropriate counter affidavit in I.A.No.2 of 2022. In case, any further statements are made, it is open for the petitioner to contest the same.

12.The Civil Revision Petition stands disposed of with the above observation and direction. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

21.06.2023



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To

The I Additional District Judge,
Tuticorin.



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C.SARAVANAN, J.

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Order made in
C.R.P.(MD)No.1941 of 2022

21.06.2023