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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 894/2017 & IA No.15571/2017 (u/O XXXIX R-1&2 CPC).

ALLIED BLENDERS AND DISTILLERS PVT. LTD. Plaintiff

Through: Mr. Rajiv Nayyar, Sr. Adv. with mr.
Shrawan Chopra, Ms. Abhilasha
Mautiya, Ms. Pankhuri Malik and Mr.
Sanjay Chopra, Advs.

versus

MONORANJAN ROY & ANR. Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **31.01.2018**

1. This order is in continuation of the earlier order dated 22nd December, 2017.
2. Though both the defendants namely Manoranjan Roy and Pincon Spirit Limited are reported to be unserved, with the summons sent through ordinary process being returned with the report that the premises were found locked and no information was available and the report of service by Speed Post of the defendant no.1 being 'unserved' and of defendant no.2 being 'awaited'.
3. The senior counsel for the plaintiff however on instructions states that an affidavit of service has been filed; that the defendants were served at the e-mail address as available on the Registrar of Companies (RoC) website. A copy of the download from the RoC website is handed over in the Court and is taken on record. It is further stated that the intimation of service by Speed Post was also left at the site.

4. There is no reason to disbelieve the statement of the counsel for the plaintiff. Moreover, the factum of the defendants, inspite of *ex parte ad interim* injunction dated 22nd December, 2017 having not opted to appear, also it is indicated of the defendants are not interested in contesting the suit. The senior counsel for the plaintiff, on enquiry states that there is no violation of the *ex parte ad interim* order dated 22nd December, 2017.
5. The defendants are thus deemed to be served and having not appeared despite service, are proceeded against *ex parte*.
6. The plaintiff, on the basis of pleadings made and the documents filed and in accordance with *Satya Infrastructure Ltd. Vs. Satya Infra & Estates Pvt. Ltd.* 2013 SCC OnLine Del 508, is found to be entitled to the relief of permanent injunction as sought in prayer paragraph 55 (i), (ii) & (iii) of the plaint dated 20th December, 2017.
7. The senior counsel for the plaintiff states that the present suit was filed as a *Quia timet* action. There is thus no occasion for the plaintiff being entitled to any damages/costs from the defendants.
8. Accordingly, a decree is passed in favour of the plaintiff and against both the defendants namely Manoranjan Roy and Pincon Spirit Limited, of permanent injunction in terms of prayer paragraph 55 (i), (ii) & (iii) of the plaint dated 20th December, 2017, leaving the parties to bear their own costs.
9. Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

JANUARY 31, 2018

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