

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 15TH DAY OF JULY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.A.No.459 of 2017

in

C.S.No.341 of 2017

M/s.BGR Energy Systems Limited,
having its Reg. Office at
A-5, Pannamgadu Industrial Estate,
Ramapuram Post, Sullerpet Taluk,
Nellore District, Andhra Pradesh, India
having its corporate office at
No.443, Anna Salai,
Teynampet, Chennai-600 018. :Applicant/Plaintiff

-Versus-

1. P.S.Techcom Pvt. Ltd.,
(Division Vecaun Projects),
2. Mrs.Priya Harish,
Director, P.S.Techcom Pvt. Ltd.,
(Division Vecaun Projects),
3. Mrs.Prasad Parasuraman,
Director, P.S.Techcom Pvt. Ltd.,
(Division Vecaun Projects),
1 to 3 are at 2C, 728 I Block,
HRBR Layout, Bangalore-560 043. :Respondents/Defendants

Original Application praying that this Hon'ble Court be pleased to grant an order of ad-interim injunction restraining the respondents/defendants, its men, agents, or any person claiming through or under them from making any defamatory statements or attempting to malign the applicant/plaintiff's reputation which is in any manner derogatory or defames the applicant/plaintiff's reputation or in any manner causes disrepute to the applicant/plaintiff and its business or malign the applicant/plaintiff or its business.

This Original Application coming on this day before this court for hearing, the court made the following order:-

This application has been filed seeking an order of injunction restraining the defendants from making any defamatory statements or attempting to malign the applicant/plaintiff's reputation, pending disposal of the suit.

2. This original suit has been filed for a perpetual injunction restraining defendants from making any defamatory statements or attempting to malign the plaintiff's reputation and for damages. The defendants, who had entered appearance through counsel on 26.09.2018 had given an undertaking through their counsel to the effect that they shall not indulge any act of defaming the plaintiff. An endorsement to that effect was also made by the learned counsel appearing for the defendant.

3. Recording the said endorsement, this Court had adjourned the matter to 23.10.2019. On 23.10.2019, the learned counsel appearing for the defendant had sought for further time to carry out the undertaking as agreed on the earlier hearing. A memo has also filed stating that though an affidavit had been prepared, the same could not be executed within the time granted by this Court. Since the authorized signatory of the first defendant was travelling

and two weeks time was sought for to enable the defendants to file an affidavit as agreed to earlier.

4. On 23.10.2019, the matter was listed before the Court, this Court had adjourned the matter to 13.11.2018 as requested in the memo. On 13.11.2018, the parties agreed to go before the Mediation Centre to explore the possibility of settlement. The matter was referred to Mediation. It appears that the mediation was unsuccessful. Hence, the papers have been returned to Court. When the matter was listed on 04.07.2019, upon the request made by the counsel on either side, the matter was adjourned to 11.07.2019.

5. On 11.07.2019, Mr. Adithya Reddy, learned counsel for the defendants reported that the parties have collected the papers from him in order to engage some other counsel. Hence, the matter was adjourned to today requiring the registry to find out as to whether any other counsel had entered appearance. The registry has reported that no other counsel had entered appearance for the defendant. In the above backdrop, I find no alternative but to set the respondents ex parte and grant an order of injunction as prayed for in O.A.No. 459 of 2017.

6. Though the time has been granted on the precious occasions to file an affidavit of undertaking, no affidavit had been forth coming. Hence, O.A.No.459 of 2017 will stand allowed. There will be an order of injunction as prayed for till the disposal of the suit.

Sd./-R.S.M.J
15.07.2019

//Certified to be true copy//
Dated at Madras this the day of 2019.

JJ 30/08/2019

COURT OFFICER(O.S.)

From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

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