

10.08.2023
SL No.6
Court No.8
(gc)

**FMAT 328 of 2023
CAN 1 of 2023**

**Manor Sales and Marketing LLP
Vs.
Prasanna Kumar Roy & Anr.**

Mr. Suddhasatva Banerjee,
Mr. Chayan Gupta,
Ms. Rituparna Chatterjee,
...for the Appellant.

1. The postal envelopes returned to the addressee with the endorsement "left" are placed before this Court by way of an affidavit of service.
2. On 3rd August, 2023 we have passed a limited interim order. We feel that no useful purpose would be served to keep the appeal pending. The interim order passed on 3rd August, 2023 shall continue for a period of eight weeks from date or any order that may be passed by the learned Trial Court in connection with the injunction application in the meantime, whichever is earlier.
3. The appellant shall immediately take steps for service of writ of summons upon the respondents through the learned Trial Court and also by way of substituted service in all the addresses that are

available with the appellant in relation to the respondents.

4. The appellant shall make an attempt to serve a copy of this order upon the respondents in all the available addresses including an insertion once in the Times of India and once in the Anandabazar Patrika within a fortnight from date.
5. The appellant shall also file an application before the Trial Court to incorporate alternate address presently available with the plaintiff.
6. The learned Trial Judge is requested to take up the application for injunction after being satisfied with the service being effected upon the respondents.
7. The learned Trial Judge may pass incidental directions with regard to the service being effected upon the respondents, in the event the learned Trial Judge is not satisfied with the service.
8. We make it clear that the learned Trial Court shall decide the said application for injunction afresh being uninfluenced by any observation made in the order dated 3rd August, 2023.
9. In the event the steps are not being taken in terms of this order, it would be open for

the learned Trial Judge to vacate the interim order.

10. The appeal and the application, accordingly, stand disposed of.

11. However, there shall be no order as to costs.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)