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Ct. No. 04

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F.M.A.T. 494 of 2023

CAN 1 of 2023

**M/s. APPSeCONNECT Automation
Pvt. Ltd. & Anr.**

Vs.

Ms. Sharmistha Chatterjee & Anr.

**Mr. Dwaipayan Basu Mallick,
Ms. Sanghita Mukherjee,
Mr. Sk. Md. Wasim Akram.
... for the appellants.**

On several occasions the service was effected upon the respondents, but there is no appearance as and when the matter was taken up. Even yesterday there was no appearance on behalf of the respondents and we directed the matter to be listed today so that if the respondents intend to appear in the matter, an opportunity should be given. Today there is no appearance on behalf of the respondents as well.

The instant appeal arises from an order refusing to pass an ad interim order of injunction. On 14th March, 2024 we passed an ad interim order of injunction restraining the defendant/respondent no. 1 from continuing to publish or post any defamatory statements or videos in any media platform for a period of ten weeks from that date or until further order/orders of this Court, whichever is earlier. It is vividly recorded in the said order that the defendant/respondent no. 1 has uploaded the video in the social media platform containing derogatory and defamatory statements against the appellants.

We are conscious that the freedom of speech and expression is a fundamental right, but circumscribed by reasonable restrictions. Any statement, which tarnishes the images of a person or his reputation, has to be considered in a libel action to be such which has no basis and such scurrilous expressions by way of

speech, expressions or using the technology and uploading in the media platform has to be viewed seriously; more particularly in commercial sector the reputation and images of an entrepreneur as well as company may be put at stake affecting its growth.

Even a Co-ordinate Bench of this Court in *Soumendra Kumar Biswas vs. Sheshadri Goswami & Ors.* (FMAT 72 of 2023 decided on 18.10.2023) had emphasized on the above aspect that any defamatory or derogatory words, speech or expressions through visually or printing media shall have an impact on the reputation amongst the fellow members or the associates of the business transactions or in the mind of right thinking person and, therefore, there is no fetter on the part of the Court to pass an order of injunction.

We had highlighted the above aspect while passing the ad interim order of injunction, which we feel to continue till the disposal of the temporary injunction application.

Accordingly, the ad interim order of injunction dated 14th March, 2024 shall continue to operate till the disposal of the application for temporary injunction.

Since the ad interim order of injunction has been passed in the instant appeal and allowed to continue to operate till the disposal of the temporary injunction application, there is no necessity to keep the instant appeal pending before this Court.

Accordingly, the instant appeal is also disposed of on the above terms.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

