

KABC0A0007362023



ORDER ON IA No.I

Plaintiff is seeking ex parte ad-interim order of injunction against all the defendants and persons claiming under them from publishing or letting in circulation or expressing in any manner, any statement or opinion or expressions that are defamatory or negatively impacting or hazardous views or expressions against the plaintiff including showing the footages and pictures referring to the plaintiff.

Plaintiff in the affidavit filed accompanying the IA has stated the manner of publication or letting in circulation of the statements, informations, views, opinions and expressions including the photos or images of either the plaintiff or referring to the plaintiff indicating the defamatory or negatively impacting views and ideas, both in print and electronic media. Along with the plaint some of the materials got printed of such publication or circulation are also produced.

Perused.

At the time of hearing, learned counsel for the plaintiff has relied upon the judgments of Hon'ble High Court of Delhi passed in the case of Swatanter Kumar v/s The Indian Express Ltd., and others and Swami Ramdev and another v/ s Facebook, Inc. & others dated 16.01.2014 and 23.10.2019 respectively. The observations of the former judgment were also relied by this court in O.S. No.26396/2022. Accordingly, certain publications both in print and electronic media are found affecting the reputation of the individuals. The amount of compensation for the damages on such publication is another aspect. However, the damage to the reputation is incalculable. However, for the purpose of damages it is quantified.

It is also noticed that both the plaintiff and defendant No.60 are primarily the public servants holding considerably responsible post under the Government. The Service Rules regulating their conduct cannot be undermined. Unfortunately, the conduct

of public servants had invoked the jurisdiction of the Civil Court. As such at this stage it is noticed that issuance of TI against defendant No.60 would not come in the conduct and discharge of duties and functions of a public servant. Hence, emergent notice of TI shall be issued to defendant No.60. At the same time, it is made clear that plaintiff shall restrain herself from publishing or circulating any statements or expressions or views concerning the subject matter of this suit.

It is also noticed from the records that defendant No.3 has filed a Caveat. Hence, defendant No.3 is also entitled for the emergent notice of IA and suit summons. Rest of the defendants on record are found attracting the claim of the plaintiff. Considering the acts of the defendants and the injury claimed by the plaintiff, at this stage, plaintiff is found making out a prim facie case for TI against defendants No.1, 2 and 4 to 60. Accordingly, issue TI against defendants No.1, 2 and 4 to 60 only after plaintiff complying Order XXXIX Rule 3 (A) of CPC.

Advocate for the plaintiff submits to take emergent notice of TI and emergent notice of IA with suit summons to both defendants No.3 and 60 by hand. Hence, on payment of PF, in addition to the issuance of regular process through court, another set of notice of TI and IA to defendant No.3 and defendant No.60 shall be given in hand to the counsel on record under due acknowledgement.

Issue service of summons and emergent notice of IA to defendant No.3.

For the objections of defendants No.3 and 60 matter shall be called on 07.03.2023 and for rest of the defendants call on 17.03.2023.

(K.S.Gangannavar)

LXXIII Addl. CC & SJ, M.H. Unit,
B'luru.(CCH-74)