

28.7.2021

Order on I.A. No.I

Perused plaint averments, documents produced, contents of I.A. No.I, prayer made out therein and reasons assigned in the annexed affidavit.

2. Plaintiff in his affidavit annexed in support of the application stated that, he hails from a respectable family and he is in public life as a peoples representative; defendants on 21.7.2021 published/telecasted/broadcasted defamatory statements regarding alleged CD/explicit materials on their platforms and channels referring him; the said statements were injurious to his reputation; defendants intended to malign his goodwill and reputation that which he earned by sacrificing his personal life decades together; if the defendants are continued in publishing/broadcasting/telecasting such statements, then it would amount lowering of his dignity and the same may tarnish his image in his public life; in fact, defendants are not having any right to publish or to telecast or to broadcast any statement through CD etc., which touches his personal life.

3. Plaintiff further also stated that, the documents produced by him shows the *prima facie* of his case; if defendants are continued in publishing/broadcasting/telecasting any statement, which affects his

public life then irreparable loss will be caused to him. Therefore, it is necessary to restrain the defendants from publishing/telecasting or broadcasting the contents of any alleged CD or any other material by issuing an *ad-interim ex-parte* temporary injunction order.

4. The counsel for plaintiff submitted that defendants being the legal entities from media and press, because of their TRP rate, crossing their line of limitation and thereby tarnishing the image of public personalities. According to him plaintiff is a reputed person who involved in the politics. If defendants broadcasted/telecasted/published any negative matter through an alleged CD or other materials, it impacts the public life of plaintiff and collapse his political career. He further also submitted that, the disposal of the suit would take some more time and hence, granting of an *ad-interim ex-parte* temporary injunction order is necessary till disposal of suit. Accordingly, he prayed for issuance of the *ex-parte* T.I. order on I.A.No.I.

5. The plaint averments and documents produced reveals that plaintiff is a peoples representative elected to the Assembly of the State. The documents produced by the plaintiff reveals that, some defendants broadcasted the news which seems to be creates a negative opinion about

him. Thus, at this stage it can be held that, plaintiff established *prima facie* case.

6. Plaintiff seeking *ad-interim ex-parte* temporary injunction order against all the defendant, but he not produced the required materials, which shows that all the defendants are going to publish/broadcast/telecast the statements which defames and derogates his image. The counsel for plaintiff argued that, plaintiff is under apprehension that the other defendants because of competition in their field in respect of TRP may publish/broadcast/ telecast the similar statements. Hence, plaintiff seeking injunction order against all the defendants.

7. The plaint averments discloses that all the defendants are from the same sector i.e. from media and press and hence, there is every possibility of publishing/telecasting/broadcasting similar statements which already defendant No.26 and 28 were published. Hence, there is a worth in the arguments of counsel for plaintiff. Thus, it can be held that at this moment the balance of convenience also lies in favour of plaintiff compared to the defendants.

8. It is needless to say that freedom of speech and expression is a fundamental right as guaranteed by constitution of India. It is no doubt, defendants being the legal entities from press and media are having the

said fundamental right. But, the said right should be exercised carefully and cautiously as the same is subject to limitations and restrictions. The plaint pleadings of the plaintiff reveals that, he is in public life elected to the Assembly. Under the circumstances, if defendants by taking undue advantage of the said fundamental right of freedom of speech and expression, published/telecasted/broadcasted any derogatory or defamatory statement against the plaintiff or repeated the same, then it would damage his political career and thereby would cause irreparable loss to him.

9. Defendants have to enjoy their fundamental right of freedom of speech and expression as per the dictum laid down by the Hon'ble Supreme Court of India in **AIR 1974 SC 710**. Defendants cannot cross their limit in publishing or telecasting or broadcasting any statements or articles which haters, ridiculous and insults a person. In this case the pleadings of plaintiff and the documents produced by him discloses that defendants are going to publish/telecaste/broadcast the negative statements through an alleged CD against him. Hence, it is just and necessary to restrain the defendants from publishing/telecasting/broadcasting the negative statements about plaintiff. However, it is hereby made clear that,

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defendants are at liberty to publish/telecast/broadcast the statements which are not injurious to the plaintiff. Hence, this court proceeds to pass the following,

ORDER

Defendants and any body on their behalf are hereby restrained by an order of *ad-interim ex-parte* temporary injunction from publishing/telecasting/broadcasting/disseminating/distributing any statement or contents of an alleged CD or any other material referring the plaintiff negatively defaming him or creating a sarcastic views about him in any manner including showing the footages and pictures, till next date of hearing.

Plaintiff is hereby directed to comply Order XXXIX Rule 3 CPC.

Issue Warrant of T.I, notice of I.A. No.I and SS to defendants, if copies and PF are furnished R/by 4.9.2021.

(Ningouda B.Patil)
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JUDGE, BENGALURU CITY.

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