

IN THE COURT OF JUDGE SMALL CAUSES AT SRINAGAR

CNR No. JKSG020048842020

File No.

D.O.I

D.O.O

556199/20

15-11-2020

21-12-2020

In the case of :-

1. Mst. Zubeida Akhter

2. Asma Rashid Shora

3. Shehla Rashid Shora

.....Applicants / Plaintiffs  
(Through Counsel Mr. Vaseem Aslam, Advocate)

Versus

1. Abdul Rashid Shora

2. The Earth News through its Publisher  
Shivang Satya Gupta  
Corporate Office: Exchange Road, Jammu  
J&K-180001

3. State Times through its Bureau Chief  
Shri Ahmad Ali Fayaz,  
State Times Marg, Ambhalla Jammu City,  
Jammu-180001  
Contact No. 9149530090

4. Jammu Kashmir Now,  
Through its Managing Editor  
Shri Hardeep Lashkary,  
[Jammukashmirnow@gmail.com](mailto:Jammukashmirnow@gmail.com)  
Deen Dayall Upadhyay Road,  
New Delhi-110001

5. Mr. Ajit Mohan,  
Facebook India Head,  
Facebook, Incl. India  
One KBC, Bandra Kurla Complex,  
Bandra (E), Mumbai,  
India-40051  
Address in (USA), 1601, Willow Road,  
Menlo Park, California-94025 (USA)

6. Mr. Manish Maheshwari,  
Managing Director India,  
Twitter Communication India Ltd,



C-20, G-Block,  
Near Bandra Kurla Complex,  
Bandra (E), Mumbai, Mumbai city,  
Maharashtra-400051

7. Mr. Satya Ragvan,  
India Head, You-tube,  
Google India Pvt. Unitech Signature,  
Tower-II, Tower-B,  
Sector-15, Part II Village Silkhera, Gurgaon,  
State of Haryana-122001
8. Mr. Sanjay Gupta,  
Country Head, Google India,  
Google India, Pvt. Unitech Signature,  
Tower-II, Tower-B  
Sector-15, Part-II Village, Silokhera,  
Gurgaon, State of Haryana-122001  
.....Non-Aplicants / Defendants

In the matter of:-

Suit for permanent and prohibitory injunction.

Application for grant of interim relief.

Coram: Fayaz Ahmad Qureshi      J.O. Code: JK00169

**O R D E R**

1. The instant suit has been presented before this court after the same has been assigned by Ld. PDJ, Srinagar for disposal under law. The same has been diarized and uploaded on NJDG.
2. Precisely, the factual matrix as projected by the plaintiffs is that the plaintiff no. 1 is wife and plaintiffs 2 and 3 are daughters of defendant no. 1. All the three plaintiffs are respectable persons of the society having distinction of merit in their respective fields. The plaintiff no. 1 has invested every penny of her earning in nourishment of plaintiffs 2 and 3. Every need of plaintiffs 2 and 3 has been fulfilled by the plaintiff no. 1 as a single parent. However, the defendant no. 1 being father of plaintiffs 2 and 3 has never bothered for the last 25 years to take care of his daughters and wife. The defendant no. 1 caused sufferings to the plaintiff and resorted to physical and mental abuse on the plaintiffs. Constrained by the circumstances, the applicants approached Hon'ble court of JMJC (3rd Additional Munsiff) with an application U/s 12 of the Protection of Women from D.V. Act



2005 and the Hon'ble court passed an order restraining the defendant no. 1 from harassing and torturing the petitioners and also awarded maintenance of Rs. 15,000/- in favour of petitioner no. 3. However, the defendant no. 1 not only violated the order of Ld. JMIC Srinagar but intentionally and deliberately infringed various rights including right to privacy and right to live a dignified life of the plaintiffs. The defendant no. 1 made every attempt to defame and lower down the repute of the plaintiffs by leveling false and frivolous allegations including branding the plaintiffs as antinational elements. Besides, the defendant no.1 filed an application before DGP, J&K stating therein that the plaintiffs are threat to defendant no. 1 and has assistance of armed associates. That apart, the defendant no. 1 approached the Press and Media Forums of India and J&K and leveled same allegations against the plaintiffs. It is alleged that a matrimonial dispute between the plaintiffs and defendant no.1 is being highlighted by defendant no. 1 through social, electronic and print media which is direct interference in the privacy of the plaintiffs. The defendants 2-4 did not conduct themselves professionally and without investigating about allegations as per norms of investigative journalism, published the material which has not only defamed and lowered down the image of the plaintiffs but still has the potential to cause the same harm to the plaintiffs. It is alleged that certain defamatory material which are allegations by defendant no. 1 have been aired by State Times on link

<https://www.facebook.com/184301401665931/videos/2533652276933084/>,

the Earth News on link:

<https://www.youtube.com/watch?v=4cs7c0JR2tU&feature=youtu.be>

and JK Now on Link:

<https://www.youtube.com/watch?v=xAUE4n56NOs&feature=youtu.be>

It is argued that this defamatory material still continues to be detrimental to the rights of the plaintiff. Hence the present suit.

3. Keeping in view the urgency projected in the application for dispensation of issuance of prior notice, the requirement of issuance of prior notice as envisaged under law is dispensed with



and application for dispensation under Order 39 Rule 3 CPC is allowed.

4. Reverting the other application, it is averred in the application for the interim relief that applicants have a prima facie case and balance of convenience tilts in their favour. Further, it is claimed that the applicants shall suffer an irreparable loss in the event relief as prayed for is not granted to the applicants.

5. The plaintiffs have made out a prima facie case for indulgence of this court. At this stage, the balance of convenience also tilts in favour of the plaintiffs and in case interim relief is not granted, the plaintiffs shall suffer an irreparable loss as their right to privacy and to live with dignity may be infringed.

6. The plaintiffs have annexed copy of order 17-11-2020 passed by Ld. JMIC/ 3rd Addl. Munsiff, Srinagar, copy of the application filed by defendant no. 1 addressed to DGP J&K, copy of one application addressed to the Press and Media Forums of India and J&K by defendant no. 1, certain photographs depicting Shaila Rashid's father at NIA Office and one copy of screen shot of interview with defendant no.1 by editor, JK Now and one screen shot showing burning of Shaila Rashid's effigy.

7. From the material placed on record and the contents of the suit, this court is prima facie satisfied that a matrimonial dispute is going on between the plaintiffs and defendant no. 1 and prima facie it appears that despite order of Ld. JMIC Srinagar in a petition under D.V. Act against the defendant no.1, the defendant no. 1 has approached the print and electronic media to give hype to private matrimonial issues. The media is also under legal duty to ascertain the truth and abstain from reporting a matter which has potential of infringement of right to privacy or other rights of the plaintiff. On the face of it, the defendant no.1 appears to have approached media and DGP J&K to malign the plaintiffs who have obtained an order from court of competent jurisdiction. The defendant no. 1 has challenged the order before the Hon'ble Appellate court of 2nd Additional District & Sessions Judge, Srinagar through appeal file No. 74/2020 but the same came to be dismissed vide order dated 05-12-2020. The conduct of





defendant No. 1 involving media particularly when the plaintiffs and defendant No.1 are already entangled in litigation before courts of competent jurisdiction, appears to be unjustified and without any sound legal basis. By having recourse to other agencies to malign the plaintiffs, the defendant no. 1 not only violates the order passed by Ld. JMIC, Srinagar to perpetuate domestic violence, but it is infringement of right to live with dignity and privacy of the plaintiffs. Likewise, the act of defendants 2-8 prima facie appears to be in violation of right to privacy and right to live with dignity and honour of the plaintiffs. The defendant 2-8 have no legal justification to highlight a private issue of the plaintiffs and defendant no. 1 which court of competent jurisdiction is already seized of and such acts on the part of defendant 2-8 amount to perpetuation of civil wrong infringing the rights of the plaintiffs.

8. *Therefore, at this stage, the defendant no. 1 is restrained from causing any interference in the life of the plaintiffs and he shall abstain from publishing any material through media or other means which has the potential to cause harassment, agony and pain to the plaintiffs or which is defamatory in its nature. The defendants 2-8 are also restrained from publishing, telecasting or broadcasting any matter with respect to the matrimonial life of the plaintiffs and defendant no. 1 or which has the potential to defame the plaintiffs. For this purpose, the defendants shall take step to suspend the links mentioned hereinabove which contain contents causing harassment and defamation to the plaintiffs.*

9. This order is, however, subject to objection from other side. The defendants/ non-applicants shall be at liberty to approach this court for modification, alteration or cancellation of this order even before the next date of hearing. The plaintiffs shall comply with the requirements of Order 39 Rule 3 of CPC. Let the file come up for further proceedings on 30/12/2020.

Announced  
12/2020

  
Judge Small Causes  
Srinagar

Copy of order forwarded to non-applicant no 1  
Tugh S.O. - Tameel adhar  
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