THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2025

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. (Comm. Div.) No.93 of 2024

Triguni Food Private Limited
65, Siva Sakhi, Vinayagar Nagar,
Vallikollai Medu, Perumal Agaram,
Triverkkadu, Chennai-600 077
Represented by its Managing Director
Ms. Radha Daga, ... Plaintiff

vs

1. Revant Himatsingka
Mandeville Gardens,
Rajiv Apartments,
Flat No. 18, 9th Floor
Kolkata-700 019.

2. HT Media Limited
Prakash Presidium,
2nd Floor, No. 110, Utmar Gandhi Road,
Nungambakkam - 600 034.

3. Living Media Limited
Mediaplex
Fc-8, Sector 16a,
Film City, Noida 201301

4. Rediff.com India Limited,
Mahalaxmi Engineering Estate,
L. J. First Cross Road, Mahim (West),
Mumbai-400 016

5. Times Internet Limited
FC-6, Sector 16 A,
Film City, Noida-201301
Uttar Pradesh, India

6. New Delhi Television Limited,
W-17, 2nd Floor,
Greater Kailash – I,
New Delhi 110 048.

7. Network 18 Media and Investments Limited,
First Floor, Empire Complex,
414 Senapati Bapat Marg,
Lower Parel, Mumbai-400013
Maharashtra, India.

8. The Printers (Mysore) Pvt. Ltd,
Prestige Point, Flat No. 2A,
Ground Floor, 47/2, Haddows Road,
Nungambakkam, Chennai-600 006.

9. Fork Media Group Private Limited,
LG10/LG11/LG12, Art Guild House,
A-Wing, Phoenix Market City,
L.B.S Marg, Kurla (West),
Mumbai 400070

10. Associated Broadcasting
Company Private Limited,
First Floor, H. No. 8-2-337/G&G-1
Road No. 3, Banjara Hills
Hyderabad 500034 IN.

11. The Press Trust of India Limited,
1st Floor, No. 10, First Main Road,
United India Colony, Kodambakkam,
Chennai-600024.
12. Business Media Private Limited,
1st Floor, 3A DLF, Corporate Park,

DLF City, Phase 3,
Gurugram – 122 002.

13. G Next Media Private Ltd.,
78, Okhla Phase III,
Okhla Industrial Estate,
New Delhi, Delhi – 110 020.

14. Outlook Publishing India Pvt. Ltd.,
AB 10, Safdarjung Enclave,
New Delhi – 110 029.

15. Meta Inc.
1601 Willow Road Menlo Park,
CA 94025 United Sates,
Having its Indian Office at
DLF ATRIA, Gulmohar Marg,
DLF Phase 2, Sector 25,
Gurugram,
Haryana – 122 002.

16. X Corp.
(Formerly known as Twitter),
Headquarters at :
San Francisco, Market Square,
1335 Market Square Suite – 900,
San Francisco,
California – 94103
United Sates of America,
Having its Corporate Office in India at :
B, Old Madras Road,
Sadanandanagar,
Bennigana Halli,
Bengaluru,
Karnataka – 560 016.

Prayer : PLAINT FILED PLAINT FILED UNDER ORDER IV RULE 1 OF THE O.S RULES VII RULE 1 OF CPC READ WITH

RULE 2(7)(ii) of the INTELLECTUAL PROPERTY RIGHTS DIVISION RULES to grant a decree and judgment on the following terms :

a) A permanent injunction restraining the 1st Defendant, his affiliates, agents and all other persons claiming under the 1st Defendant or acting in concert with the 1st Defendant or on his behalf or acting on the 1st Defendant's instructions from telecasting, broadcasting, publishing, disseminating or otherwise communicating to the public in any manner, any video, audio or any other form of media in any language or any other representation or in any other manner or part thereof in any language to be telecast or broadcast or communicated to the public or published in any manner which directly or indirectly or in any manner, disparages and/or denigrates the Plaintiff's brand 'eZeEats Triguni' and/or the category of goods to which it belongs;

b) A mandatory injunction directing the 2nd to 14th Defendants to remove the articles mentioned in Schedule A to the suit from its website and also including any other imputations or allegations made against the Plaintiff in any manner whatsoever,

c) A mandatory injunction directing the 15th Defendant to remove the defamatory video as mentioned in Schedule B posted by the 1st Defendant using his profile "Food Pharmer on its platform "Instagram" and also removing any other imputations or allegations made against the Plaintiff in any manner whatsoever; on the website of 15th Defendant or in any other manner whatsoever,

d) A mandatory injunction directing the 16th Defendant to remove the defamatory video mentioned in Schedule C posted by the 1st respondent using his profile https://twitter.com/foodpharmer2 on its platform "X" and also removing any other imputations or allegations made against the Plaintiff on the website of 4th Defendant or in any other manner whatsoever;

e) The 1st to 14th Defendants be ordered to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) as damages for disparagement of the brand 'eZe Eats Triguni' of the Plaintiff.

f) For costs of the suit, and

g) Pass such further or other orders as this Court may deem fit and proper in the circumstance of the case and thus render Justice.

For Plaintiff : Mr.Arun C. Mohan
For Defendants : Mr.Nakul Gandhi for D1
Mr. Prasanth Rajagopal for D5
Mr.S.M. Vivekanandh
Venkatesh R. for D3
Mr.J. Shankar for
Mr.Dwarakesh Prabhakaran
for D7.

JUDGEMENT

The learned counsel for the plaintiff on instructions would submit that the plaintiff is satisfied if the relief sought for in Prayer (a) of the plaint is alone granted in favour of the plaintiff as against the 1st defendant.

2. The learned counsel for the 1st defendant who has appeared through video conferencing on instructions would submit that the 1st defendant is agreeable for the plaintiff obtaining the relief from this Court insofar as prayer (a) of the plaint is concerned. He would submit that the 1st defendant is not agreeable for the grant of reliefs in favour of the plaintiff, insofar as the remaining prayers in the plaint are concerned. The said settlement proposal given by the 1st defendant is also agreeable to the plaintiff as seen from the submissions made by the learned counsel for the plaintiff on instructions. However, the learned counsel for the 1st defendant would submit that the freedom of speech of the 1st defendant cannot be curtailed as the relief that has been granted in favour of the plaintiff by this Court pursuant to the settlement is restricted only to the subject matter of this suit.

3. No prejudice would be caused to any of the parties, if it is made

clear by this Court that the relief that is granted to the plaintiff in the suit pursuant to the settlement is restricted only to the subject matter of the suit and it cannot curtail the freedom of speech of the 1st defendant in the future. Accordingly, the suit is partly decreed as prayed for by the plaintiff insofar as the prayer (a) to paragraph No.53 of the plaint is concerned and insofar as the remaining prayers are concerned, the same is disallowed by this Court and accordingly the same are dismissed. It is made clear that the partial decree granted by this Court in this suit will not affect the freedom of speech of the 1st defendant in the future. There shall be no order as to costs in this suit.

31.01.2025

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
vsi2

ABDUL QUDDHOSE, J.

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