

CNR : KLHC010679142026



2026:KER:69867

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE EASWARAN S.

MONDAY, THE 14TH DAY OF SEPTEMBER 2026/23RD BHADRA, 1948

OP(C) NO. 2655 OF 2026

AGAINST THE ORDER DATED 05.06.2026 IN UNNUMB.IA 4/2026

IN UNNUMBERED O.S NO. OF 2026 OF PRINCIPAL MUNSIF

COURT, ERNAKULAM

PETITIONER(S)/PLAINTIFF:

**M/S CUBES ENTERTAINMENTS
2ND FLOOR, ARDRA, DOOR NO.27/46 B1,
CHANGAMPUZHA NAGAR. P.O., ERNAKULAM,
REPRESENTED BY ITS DESIGNATED PARTNER, NANDU
RAJEEV., PIN - 682033**

**BY ADVS.
SHRI.T.SUKESH ROY
SMT.A.R.DIVYA**

RESPONDENT(S)/DEFENDANTS:

- 1 BIG TREE ENTERTAINMENT PRIVATE LIMITED
GROUND FLOOR, WAJEDA HOUSE, GULMOHAR CROSS
ROAD NO 7, OPERATES UNDER THE BRAND NAME
BOOKMYSHOW, THROUGH ITS MANAGING DIRECTOR /
AUTHORISED REPRESENTATIVE JUHU SCHEME, MUMBAI,
MAHARASHTRA - 400049**
- 2 JOHN DOES / ASHOK KUMARS,
C/O. BIG TREE ENTERTAINMENT PRIVATE LIMITED,
GROUND FLOOR, WAJEDA HOUSE, GULMOHAR CROSS
ROAD NO: 7, JUHU SCHEME, MUMBAI, MAHARASHTRA**

CNR : KLHC010679142026



2026:KER:69867

O.P.(C) No.2655 of 2026

2

**400 049.(OPERATES AS UNIDENTIFIED DIGITAL
ACTORS UNDER THE ONLINE ENTERTAINMENT
TICKETING PLATFORM BOOK MY SHOW)**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
14.09.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



O.P.(C) No.2655 of 2026

3

“C.R”

EASWARAN S., J

O.P.(C) No.2655 of 2026

Dated this the 14th day of September, 2026

J U D G M E N T

The plaintiff in a suit for injunction initiated as ‘John Doe’ proceedings, has come up with the present original petition, challenging the refusal on the part of the Principal Munsiff Court, Ernakulam, to number the suit on the ground that the petitioner has not complied with Order VI and Rule 14A of the Code of Civil Procedure, 1908 (for short ‘CPC’).

2. In the present suit, the grievance of the petitioner is read, it is directed against the review posted in the platform of the 1st defendant by unknown persons. In such circumstances, placing reliance on the various judgments of the High Courts including this Court, the



plaintiff approached the court by contending that the review of the film “Kattalan” posted in the platform of the 1st defendant must be removed, so as to enable them to protect their rights. Other reliefs were also sought for. When the suit was moved, the 2nd defendant was arrayed as ‘John Doe’, because the plaintiff was not aware of the exact identity of the persons, who had posted the review in the platform of the 1st defendant. The Principal Munsiff Court, Ernakulam, refused to number the suit as evident from the endorsement made on the back of Ext.P1 suit. This led to the petitioner filing an application seeking exemption from complying with the provisions of Order VI Rule 14A and Order VII Rule 1(c) of the CPC. This application was rejected by the trial court by Ext.P4 order, which is impugned in this original petition.

3. Heard Shri.T.Sukesh Roy, the learned counsel appearing for the petitioner.



4. The question before this Court is whether the refusal on the part of the Principal Munsiff Court, Ernakulam, to number the suit could be sustained or not. The Munsiff Court, appears to have taken a stand that unless Order VI Rule 14A of CPC is complied with, the suit cannot be numbered. Order VI Rule 14A of CPC reads as under:-

14-A. Address for service of notice.—(1)

Every pleading, when filed by a party, shall be accompanied by a statement in the prescribed form, signed as provided in rule 14, regarding the address of the party.

5. The insistence on the part of the Principal Munsiff Court, Ernakulam, to correct the physical address of 'John Doe-2nd defendant' under Order VI Rule 14A of CPC creates a procedural paradox and it defeats the very purpose of 'John Doe' jurisprudence. While Order VI Rule 14A of CPC mandates that the particulars of the defendants be included for the purpose of issuing summons, it is impossible to comply with the provisions



O.P.(C) No.2655 of 2026

in a suit, where the 2nd ⁶ defendant is arrayed as 'John Doe'/Ashok Kumars..

6. A perusal of Ext.P4 order shows that the Principal Munsiff Court, Ernakulam, was completely at remiss in not appreciating the requirement of the plaintiff and also the urgency expressed in the suit. The procedural conflict between Order VI Rule 14A of CPC and the 'John Doe' exemption was not considered in its correct perspective.

7. The concept of 'John Doe' proceedings were introduced to India for the first time by the Delhi High Court in **Taj television v. Rajan Mandal [(2003) FSR 22]** where the Delhi High Court restrained unlicensed cable operators from unlawfully broadcasting the 2002 FIFA World Cup who were alleged to be illegally transmitting the content exclusively belonging to the plaintiff's channel.



8. The concept was further expanded by the court in **E.S.P.N Software India Pvt Ltd. v. Tudu Enterprises and ors {C.S.(O.S) No 384/2011}**. Further in **UTV software communications ltd and Ors v. 1337X.To.Ors [(2019) SCC Online del 8002]** the Delhi High Court discussed in detail the test to be adopted while issuing 'John doe' orders.

9. The reference to the above precedents is only to indicate that the concept of 'John Doe' litigation is expanding rapidly. In such a scenario, the courts must adopt a progressive approach while entertaining the suits where 'John Doe' orders are sought for and should not allow itself to be tied down procedural requirements.

10. It must be remembered that in cases of 'John Doe' /Ashok Kumars proceedings, it is virtually impossible to comply with the mandates of Order VI Rule 14A of CPC. The insistence on the part of the Principal Munsiff Court, Ernakulam, to the petitioner/ plaintiff to comply with the



2026:KER:69867

O.P.(C) No.2655 of 2026

8

procedure under Order VI Rule 14A of CPC would render the suit ineffective as it is impossible for the plaintiff to get the exact details of the persons, who had posted the numerous reviews in the 1st defendant platform as it is completely masked and unknown.

11. Moreover, the trial court ought to have kept in mind that procedural rules under Code of Civil Procedure 1908 are the handmaidens of justice and should not be used as technical obstructions to deny substantive justice. Further, the trial court could have obtained an undertaking to implead the actual person who posted the review once his identity is revealed. In such circumstances, this Court is of the view that the jurisdiction under Article 227 of the Constitution of India is required to be invoked to render substantive justice and correct the procedural infirmity committed by the Principal Munsiff Court, Ernakulam.



O.P.(C) No.2655 of 2026

9

Accordingly, the original petition is allowed by setting aside Ext.P4 order. The Principal Munsiff Court, Ernkulam, is directed to number the suit on the date of production of certified copy of this judgment and proceed to consider the interlocutory application forthwith.

Sd/-

**EASWARAN S.
JUDGE**

AMR



O.P.(C) No.2655 of 2026

10

APPENDIX OF OP(C) NO. 2655 OF 2026

PETITIONER'S EXHIBITS

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|-------------------|--|
| Exhibit P1 | A TRUE COPY OF THE PLAINT IN THE UNNUMBERED O.S. BY THE HON'BLE MUNSIFF'S COURT, ERNAKULAM |
| Exhibit P2 | A TRUE COPY OF THE I.A.NO.4/2026 ALONG WITH ITS SUPPORTING AFFIDAVIT IN EXHIBIT P1 CASE DATED 3/6/2026 |
| Exhibit P3 | A TRUE COPY OF THE CLARIFICATION MEMORANDUM IN EXHIBIT P1 CASE DATED 3/6/2026 |
| Exhibit P4 | A TRUE COPY OF THE IMPUGNED ORDER IN I.A NO.4/2026 DATED 05/06/2026 PASSED BY THE HON'BLE MUNSIFF'S COURT, ERNAKULAM. |