

CR No. 71803/22
3/7/22

01

ADV for Plaintiff

Order Sheet

IN THE COURT OF PRL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU

FR No. : O.S./4396/2022

Registration No. : O.S./4427/2022

O.S. 4427/2022

Plaintiff Vs Defendant

1) DIPALI SIKAND

1) JAGADEESH LAXMAN SINGH ALIAS JUGIE SINGH

2) SIDDHARTH DEY

3) SONALIKA KUMAR

4) TWITTER, INC.

5) META PLATFORMS INC

6) LINKEDIN CORPORATION

7) JOHN DOE/ASHOK KUMAR

Nature of Case :

INJUNCTION SUIT

Provision of Law :

Order 7 Rule 1 R/W section 26 CPC ,

Advocate for Plaintiff Sri./Smt. :

CHINTAN CHINNAPPA

Date of Filing :

08-07-2022

Date of Registration :

08-07-2022

Relief :

PRAYS TO PASS JUDGMENT AND DECREE OF PERMANENT INJUNCTION RESTRAINING THE DEFENDANTS, THEIR FAMILY MEMBERS, AGENTS, ASSIGNS, REPRESENTATIVE OR ANY PERSON ACTING FOR AND ON THEIR BEHALF FROM POSTING, MAKING, ISSUING, WRITING, PUBLISHING AND OR DISTRIBUTING ANY DEFAMATORY STATEMENTS / POSTS REGARDING THE PLAINTIFF AND HER GUESTS IN RELATION TO THE IMPUGNED PHOTOGRAPH FORTHCOMING IN ALL THE POSTS, ORIGINALLY PUT UP BY THE PLAINTIFF AND ATTACHED TO THE PLAINT AS DOCUMENT No.5 AND AS PRAYED IN THE PLAINT.

Date of Cause of action :

01-07-2022

Receipt No.	Purpose and	Bank Name	Amount
Date	Mode		
19689/2022-2023	Court Fee on Plaint		
08-07-2022	Cash		75.00
19689/2022-2023	Process Fee		
08-07-2022	Cash		100.00

1) IA 1/2022 - U/S 94 AND 151, ORDER XXXIX RULE 1 AND 2 OF THE CPC RULE 10

IA Relief :

PRAYS TO PASS AN AD INTERIM ORDER OF TEMPORARY INJUNCTION AGAINST THE DEFENDANT NO. 1 TO 3 AND 7, ETC FROM WRITING/POSTING/PUBLISHING ANY DEFAMATORY/LIBELLOUS CONTENT ABOUT THE PLAINTIFF OR HER GUESTS AND AS PRAYED IN IA.

2) IA 2/2022 - U/S 94 AND 151, ORDER XXXIX RULE 1 AND 2 OF THE CPC RULE 10

IA Relief :

PRAYS TO PASS AN AD INTERIM ORDER OF TEMPORARY INJUNCTION AGAINST THE DEFENDANTS, DIRECTING THEM TO TAKE DOWN ALL THE CONTENT/STATEMENTS/POSTS FROM THE VARIOUS SOCIAL MEDIA PLATFORMS SUCH AS FACEBOOK, LINKEDIN, TWITTER AND MESSAGING SERVICES SUCH AS WHATSAPP, THAT IS DEFAMATORY/LIBELLOUS TO THE PLAINTIFF AND AS PRAYED IN IA.

3) IA 3/2022 - Sec151 CPC



140 Case No. 100
OS. 4427/2022

IA Relief :
PRAYS TO DISPENSE WITH THE PRODUCTION OF THE ADDRESSES PERTAINING TO THE DEFENDANTS NO.1 TO 3.

4) IA 4/2022 - Sec151 CPC XI RULE 12 AND 14

IA Relief :
PRAYS TO DIRECT THE DEFENDANTS NO.4 TO 6, TO DISCLOSE ALL INFORMATION SUCH AS REGISTERED ADDRESSES, MOBILE NUMBERS AND EMAIL ADDRESSES AND ANY OTHER INFORMATION WHICH WILL ASSIST THIS HONBLE COURT TO IDENTIFY DEFENDANT NO.1 TO 3 AND AS PRAYED IN IA.

5) IA 5/2022 - U O 5 RULE 20 1 A R.W.S. 151 OF CPC

IA Relief :
PRAYS TO ORDER FOR SERVICE OF SUMMONS TO THE DEFENDANTS NO.1, 2 AND 3, BY WAY OF ELECTRONIC MAIL AND WHATSAPP AND AS PRAYED IN IA.

CAO/CMO

Registered and made over this case to CCH- 27
court for disposal according to law.

NO
CAVEAT

PRL. CITY CIVIL AND SESSIONS JUDGE
BENGALURU

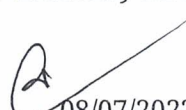
8/7/22

P-CC

Heard the arguments of the
L/c for plaintiff on IA no.1.

L/c for the counsel as filed
memo along with the decisions
relayed upon in the case.

For orders by 12.07.2022


08/07/2022

XII Addl. CC & SJ, B'luru.

12/7/22

File order



ORDERS ON I.A.No. 1 & 2

The plaintiff's suit for permanent injunction to restrain the defendants, their family members, agents, assigns, representatives or any person acting on their behalf from posting, making, issuing, writing, publishing and distributing any defamatory statements regarding the plaintiff and her guests in relation to the impugned photographs and also seeking directions to the social media platforms such as Facebook, LinkedIn, Twitter and WhatsApp from take down all the defamatory contents, statements and posts on the said photographs and also directing the defendant No.1 to 3 from tendering an unconditional apology to the plaintiff and revoke all the statements.

Along with the suit an application at I.A.Nos. I & II are filed under Order XXXIX Rule 1 and 2 of CPC.

Heard the arguments of L/c for the plaintiff on I.A.No.1 restraining the



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OS- 4427/22

defendant no. 1 to 3 and 7 from writing, posting, sharing, distributing, publishing any defamatory / libellous content about above said photographs. And I.A.No.2 for seeking directions to the defendant Nos.4 to 6 to take down all the contents, statements or posts which are defamatory or libellous to the plaintiff and her guests.

It is the plaintiff contention that, she has established two companies and also started the MindEscapes Clubs in the year 2016 which is member based club. On 28-06-2022 one Mrs.Mariam Ram contacted her to book a table for lunch in the MindEscapes club by stating that, in the said lunch her husband Mr. N.Ram and few of his acquaintances namely Mr.Prannoy Roy his wife, who are into the Media, Dr.Palanivel Thiagarajan, Finance Minister of Tamil Nadu, Mr.Prakash Karat, Mrs.Brinda Karat who are the members of Communist Party of India are joining for the lunch. During the lunch the plaintiff joined the eminent guests, took the picture



with their consent and posted the same in her personal Facebook and LinkedIn, profile stating that, "*Great minds meet at @MindEscapes this afternoon Dr. Thiagarajan, Mrs and Mr. Prannoy Roy, Mrs and Mr.N.Ram, Mrs and Mr. P.Karat*". But some uninformed minds, to give a political colours to the observation of their lordships on the Nupur Shirma for her comments made on Prohept Mohammed, which created the nation wide protest. For damaging their reputation, started commenting/posting the messages stating that, the said justices are with the communist minded people, which prompted them to pass some comments on the said Nupur Sharma. Thus, the plaintiff felt that the alleged posting and comments has caused damage to the reputation of her guests and the said comments are defamatory in nature, which requires to be restrained from further sharing and spreading false news among the community.

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The plaintiff further contended that, the plaintiff could able trace out the clues of the persons who passed such derogatory statements on the impugned Photos in the Facebook, LinkedIn, Twitter and WhatsApp, apart from that there are number of people involved in such activities. But, she could not find them all, thus even the fictitious persons to whom she could not able to identify or trace their identity also requires to be restrained. In this regard L/c for the plaintiff has placed his reliance on the decision of Hon'ble High Court of Delhi in CS(OS)291/2018 **Pepsico India Holdings Pvt. Ltd., Vs Facebook, Inc. & Ors.** Wherein the Hon'ble High Court of Delhi was pleased to issue a prohibitory order against to the fictitious person by following the principles of John Doe / Ashok Kumar and also relied on the decision of Hon'ble High Court of Karnataka in MFA No. 806/2022 between the **Meera Ajith Vs John Doe @ Ashok Kumar.** Wherein Hon'ble High Court of Karnataka held as follows;

(Signature)



“Though compliance under Order 39 Rule 3 of CPC cannot be made by sending copies of the application for injunction, the affidavit, the plaint and the documents because the defendant is unknown person, yet it can be complied by taking out publication in newspapers and affixing the order of grant of injunction on the conspicuous part of the suit property”.

L/c for the plaintiff contended that, some politically motivated person who wants to give a political colours to the observation of the Hon'ble Apex Curt on Nupura Sharma in respect of her comments on Prophet Mohemmed, though the justices are not part of dine along with the plaintiff and other dignitaries, but went to the extent making disparaging statements on the reputation of the guests, thus it requires to be deprecated.

Perused the plaint averments,

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affidavit averments, documents filed along with plaint and photographs with the comments of the defendant Nos. 1 to 3 and 7 in the platform of defendant Nos. 4 to 6 wherein on the photographs of the plaintiff along with the other dignitaries the following comments have been made; "justices are with the naxal gang" "now you can analyze the remarks on Nupur Sharma" "the truth behind making such an obnoxious comment against Nupur Sharma is out there" "let me show you something. These people are liberals of India who mostly discuss poverty and unemployment in India. But the irony is that they are discussing it in a 7 star hotel with a scenic view and eating a \$6000 meal". And also given a caption as "Code Red" to suggesting that, "the team of people are gathered there are dangerous or threat".

If the caption of the plaintiff on her posting in the Facebook and LinkedIn are perused which is a informative on the fact that who are all participated in the said

Handwritten signature



lunch meeting, there is no scope to infer the fact that, among the guests of the plaintiff, presence of two lordships of Supreme court. That apart, they went to the extent of drawing an inference, to meeting the people in the photos, which motivated them make the observation that, its Nupur Sharma was the cause for nation protest, which has disturbed the peace of the society, which hurted the feelings of the community who believes the Prohpet Mohammed as their god. If the nature of the comments/posting are perused, they are highly derogatory and defamatory. Also, which is nothing but a sheer misuse of right of freedom and speech expression. The uninformed persons without knowing the repercussion on their baseless comments, went on passing such scarilazing comments. Now a days such a messages reaches to the mind of the public just like a wild fire, they believe before cross checking on the genuineness. Whoever involved in passing such comments are nothing but a irresponsible and loose minded, such an act requires to be



regulated. There is nothing wrong to bring the true facts to the knowledge of the public. As the public has the every right to know what's going in their behind, but it is highly condemnable on the person who on the guise of communication placing something untrue facts, who are on the responsible position in the society. Which is nothing but an attempt to damage the reputation of Hon'ble Justices and also the guests of the plaintiff, who are participated in the lunch, such an act is requires to be curtailed at the earliest. By considering the said circumstances this court is of the opinion that the plaintiff has made out the prima facie case that, issuances of prior notice, would causes the delay, in that event from the baseless sharing of information would further causes damage to the reputation of the guests. Thus, there is an urgency to pass an ex-parte interim order to restrain the defendant Nos. 1 to 3 and 7 from posting, publishing and sharing disparaging statements on the guests and also to the Justices of the Hon'ble Apex



Court, who are not party to the said dining at all and also it is very emergent to pass an order by directing the defendant No.4 to 6 to take down all the disparaging comments made on the impugned photographs. Thus I proceed to hold that the plaintiff is made out the grounds to grant the relief as sought in I.A.Nos. 1 & 2. Hence the following;

ORDER

I.A.Nos.1 & 2 filed by the plaintiff under Order 39 Rule 1 & 2 of CPC is hereby allowed by granting the following reliefs.

It is hereby restrained the defendants Nos. 1 to 3 and 7, their family members, agents, assigns, representatives or any person acting for and on their behalf from writing, posting, publishing any defamatory libellous contents about the plaintiff on her guests and also directing various social media platforms such as Facebook, LinkedIn, Twitter and WhatsApp to take down all the contents, statements, which are defamatory or libellous to the



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12/12/24

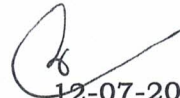
plaintiff and her guests, till filing of the until disposal of IA No. 1 and 2 on merits, by hearing both the side.

The plaintiff shall comply the Order 39 Rule 3 provision of CPC, by publishing the gists of the Interim Order one of the National English Daily, which has wide circulation in the country. And, also send the same to the defendants through E-mail, Whatsapp, Facebook and linkedIn.

Office is to issue certified copy of the order only after compliance.

Issue suit summons and Notice on the Order of this court on I.A.Nos.1 & 2 to the defendants, served through the Electronic mode, by way of E-Mail, Whatsapp, LinkedIn, and Facebook.

For appearance of defendants call on 18/8/22



12-07-2022
XII ACC & SJ.,
Bangalore

