

O.A.Nos.276 and 277 of 2020
in
C.S.No.172 of 2020

C.V.KARTHIKEYAN,J.

Heard the learned Senior Counsel for the plaintiffs.

2. The suit had been instituted seeking damages of Rs.1,50,00,000/- from the defendants for defamation of the plaintiffs in social media and also seeking grant of Permanent Injunction against the defendant from posting any messages, pictures or graphical representation of any nature that are defamatory, derogatory or in the nature of a threat against the plaintiffs and also seeking grant of Mandatory Injunction directing the defendant to remove the posted messages which are still in the various media links given in the schedule to the plaintiff.

3. The first plaintiff is a Company registered under the Companies Act 1956 and is in the business of operating portfolio of entertainment channels in local and global brands and across many channels. The first plaintiff is TV 18 Broadcast Limited and one among many channels operated by the 1st plaintiff is News 18 Tamil Nadu. The second plaintiff is said to be the Senior Editor and the third plaintiff is said to be the Senior Anchor. The plaintiffs are all aggrieved by the acts

of the defendant who claims to be a social activist and who has, according to the plaintiffs launched a vitriolic attack defamatory to the reputation of the plaintiffs by putting on social media a series of videos, which according to the plaintiffs contained not only defamatory material but also derogatory in nature directly affecting the reputation and goodwill earned by the 1st plaintiff.

4. On 05.07.2020 an Electronic mail was forwarded by the defendant calling upon the plaintiff to give their views on a video uploaded on the same date 05.07.2020. It is stated that even without affording any breathing time to object to the offending video, on 07.07.2020 a second video was also put up. After a few days' gap on 10.07.2020, a third video came to be put up. A fourth video was put up on 11.07.2020.

5. It had been claimed by the defendant that one of the employees of the plaintiff had actually examined the allegations raised by the defendant and had found that the allegations are true.

6. It is however very specifically stated by the learned Senior Counsel that reliance placed by the defendant on the said reply through E-mail through the Proton Mail platform is a fabricated E-mail created to damage the reputation of the plaintiffs. The learned Senior

Counsel further argued that this reply on which the defendant relied had been referred to Proton Mail who replied that it was deleted immediately.

7. The learned Senior Counsel further stated that on 28.07.2020, a fifth video had also been uploaded. It is under these circumstances that urgency is shown to grant an order of interim injunction. It was stated that multiplicity of videos being uploaded would only compound the misery of the plaintiff. The communications received from various third parties regarding the nature of the content in the said videos are also filed as documents.

8. In the Judge's Summons to O.A.No.277 of 2020, the plaintiff had enclosed as a schedule, the links in the Youtube, Facebook and Twitter where the videos had been uploaded. In O.A.No.277 of 2020, the relief sought is for a interim injunction restraining the respondent from continuing to keep available to the public those links in Youtube, Facebook and Twitter, exhibiting the offending videos which the plaintiffs claim to be defamatory and derogatory to their reputation.

9. In O.A.No.276 of 2020, the plaintiff has sought an interim injunction restraining the defendant from putting up any further video in any manner whatsoever which are either defamatory or derogatory to the interest of the plaintiffs.

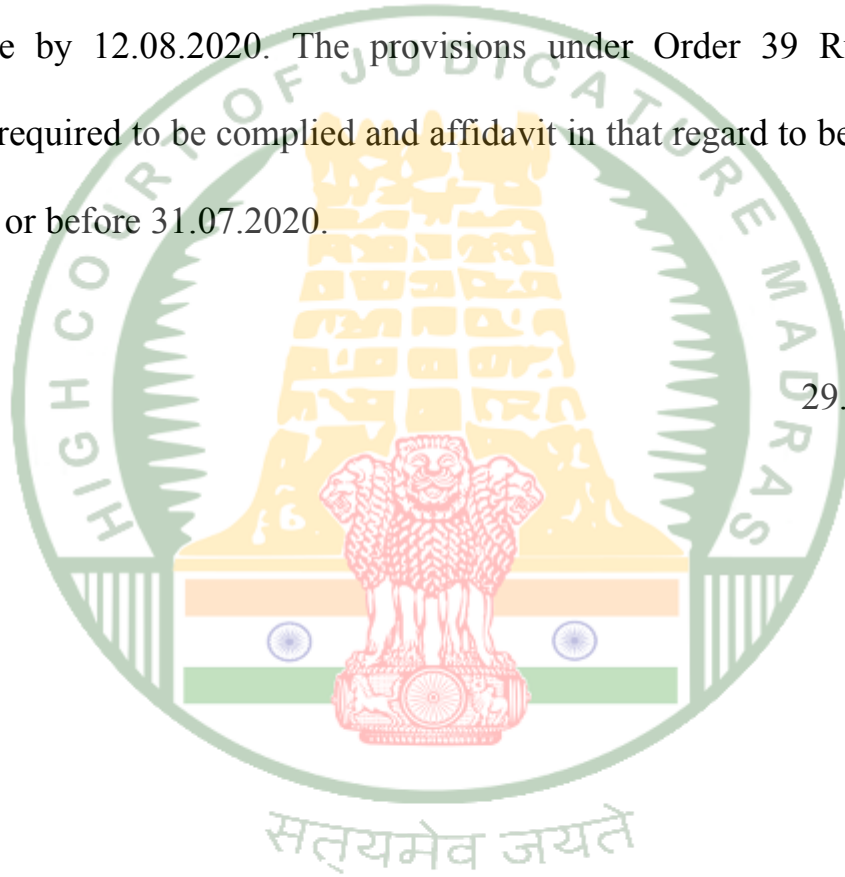
10. Having heard the learned Senior Counsel for a considerable time, I hold that the plaintiff had made out a prima facie in view of the nature of the videos uploaded the defendant. If the defendant wants to raise any social issue, he can always raise them but cannot make statements without verification. Moreover the plaintiff has come forward with a specific allegation that the defendant had created a false E-mail justifying the contents of the videos uploaded by him. This also substantiates the finding that the plaintiffs have come to Court with a prima facie case for grant of interim injunction. The balance of convenience is also only in favour of the plaintiff, since the defendant has nothing to loose by not putting up further videos. He can always take any defence, but till such defences are examined by the Court, it would only be appropriate that no further videos are put up in public view against the interest of the plaintiffs. It is to be noted that the first plaintiff is a Company registered under the Companies Act, 1956 and consequently being a separate legal entity is entitled to maintain the suit. In view of the fact that there are several other channels being run by the first plaintiff there is a possibility of detrimental cascading effect on all those channels run by the 1st plaintiff.

11. It is also to be noted that the hardship suffered by the plaintiff if such videos are continued to be uploaded/exhibited would far outweigh any other consideration put forth by the defendant.

12. Consequently, interim injunction is granted in both the applications till 12.08.2020. Notice through Court and also privately returnable by 12.08.2020. The provisions under Order 39 Rule 3(a) C.P.C is required to be complied and affidavit in that regard to be filed in Court on or before 31.07.2020.

29.07.2020

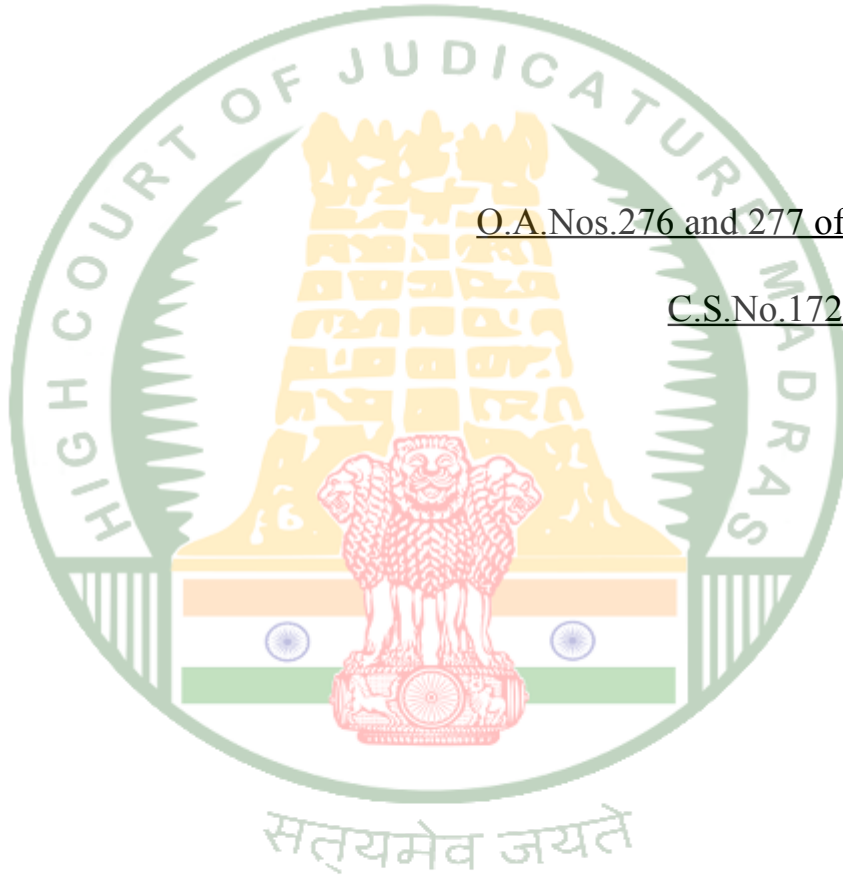
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