

**IN THE COURT OF SHRI VIKRANT VAID,**  
**SENIOR CIVIL JUDGE-CUM-RENT CONTROLLER**  
**PATIALA HOUSE COURTS, NEW DELHI**

**Suit No. 681/20**

**Modicare Limited Vs. Ramila Rana and Ors**

**27.10.2020**

**ORDER**

1. It is a suit for declaration and injunction. This is an order with respect to the application moved by the plaintiff under Order 39 Rule 1 and 2 CPC for grant of ex-parte interim injunction.

2. Brief facts of the plaintiff's case are that it is India's fastest growing direct selling company having over 47 Modicare Success Centers and over 7000 distribution points across the country that supply products across India with a portfolio of over 250 products, 425 plus SKUs across 12 categories and the support of over 32,00,000 consultants as well as over 2,00,000 new consultants joining every month. The Plaintiff offers products in the categories of Nutrition, Health & Wellness, Colour Cosmetics, Home care, Laundry Care, Personal care, Skin Care, Food &

Beverages, Agriculture, Baby Care, Auto Care, Jewellery, Literature, Apparels etc. The plaintiff has won award for the Best CSR Initiative of the Year at the Global Awards for Retail Excellence in 2019 and the Best Nutraceutical Company of the Year 2018 and 2019 at ABP News Healthcare Leadership Awards. The Plaintiff has also won the Best Nutrition Brand 'Well' at ABP News Healthcare Leadership Awards in the year 2018 and 2019.

3. It is averred that the defendant No. 1 served as a consultant for the Plaintiff from 21.7.2018 to 7.7.2020 and as 'Crown Diamond Director' from November 2019 to June 2020. She claims to currently be working with one of the Plaintiff's competitors, Defendant No. 2.

4. The Defendant No. 1 runs a Facebook page by the name of 'Ramila Rana' available at <https://www.facebook.com/profile.php?id=100008915861125>. The Defendant No. 1 also runs two YouTube channels by the name 'Ramila Rana'. The first YouTube page, available at [https://www.youtube.com/channel/UCXvj4AEfJtoVWXwzF0XlQ\\_](https://www.youtube.com/channel/UCXvj4AEfJtoVWXwzF0XlQ_) with description as "8588815906 If you want to change your life Time freedom Money freedom Please contact me". The second

YouTube page available at

<https://www.youtube.com/channel/UCRxbGNZ2PjY8vlE JWrv3lQ>

with description which reads “*left Modicare for better future Contact 8588815906*”. The Defendant No. 1 has posted following four defamatory videos via the 2 accounts which are available at:

(i) <https://www.youtube.com/watch?v=alshikyWdUo> shared on YouTube Page 1 on 19.7.2020 and also on Defendant No. 1’s Facebook Page, and is available at <https://www.facebook.com/100008915861125/videos/2331035357203637>.

(ii) [https://www.youtube.com/watch?v= PnR Z8JuSs](https://www.youtube.com/watch?v=PnR Z8JuSs) shared on YouTube Page 2, on 31.7.2020.

(iii) <https://www.youtube.com/watch?v=NFb0bwEYkBw&t=420s;> shared on YouTube Page 2 on 31.7.2020 and on Defendant No. 1’s Facebook Page available at [https://m.facebook.com/story.phpstory\\_fbid=2340436662930173&id=100008915861125&sfnsn=wiwspwa&extid=64oEM8AwTUMpRa10&d=w&vh=i](https://m.facebook.com/story.phpstory_fbid=2340436662930173&id=100008915861125&sfnsn=wiwspwa&extid=64oEM8AwTUMpRa10&d=w&vh=i).

(iv) <https://www.youtube.com/watch?v=Qc4vsTwlfEM> shared on YouTube Page 2 on 8.8.202. The same video was also shared on

Defendant No. 1's Facebook Page, and is available at <https://www.facebook.com/100008915861125/posts/2346535112320328>.

It is averred that the contents of these videos are extremely defamatory qua the Plaintiff.

5. Further, the Defendant No. 2, one of the Plaintiff's competitors, in connivance with Defendant Nos. 1 and 3 is seeking to poach valuable human resources from the Plaintiff on the back of the Defamatory Videos published by Defendant Nos. 1 and 3.

6. It is alleged that the Defendant No. 3 is a self-proclaimed journalist who runs a channel on the platform of the Defendant No. 4 wherein he states to provide news regarding the Direct Selling Industry, available at <https://www.youtube.com/channel/UC8u325S6GHLwpyuv0kItaA>.

The Defendant No. 3 also runs a page on the platform of Defendant No. 5 titled "Satya Hunkar (Satyapal Singh)" available at <https://www.facebook.com/teamsatyapalsingh>. The description on his profile page bears the name of the Defendant No. 2. The profile page also shows that Defendant No. 3 works for Defendant No. 2. The Defendant No. 3 has posted the following Defamatory

Video wherein he has interviewed the Defendant No. 1 shared on the platform of Defendant No. 4 on 14.10.2020 <https://www.youtube.com/watch?v=Vp1V5H3Lyho&feature=youtu,>

The same video has also been shared by the Defendant No. 3 on the platform of Defendant No. 5 on the same date, available at [https://www.facebook.com/teamsatyapalsingh/posts/175640620710303.](https://www.facebook.com/teamsatyapalsingh/posts/175640620710303)

The same video was also shared by the Defendant No. 1 on the platform of the Defendant No. 5 on 15.10.2020, available at [https://www.facebook.com/permalink.phpstory\\_fbid=2400748583565647&id=100008915861125.](https://www.facebook.com/permalink.phpstory_fbid=2400748583565647&id=100008915861125)

7. The Defendant No. 4 is the owner of the YouTube service and is responsible for its business. The Defendant No. 4 has been arrayed as the platform on which the Defendant No. 1 and Defendant No. 3 published the Defamatory Videos cited above.

8. The Defendant No. 5 is the owner of the Facebook service, which is a known social media platform with worldwide reach, and is responsible for its business. The Defendant No. 5 has

been arrayed as the platform on which the Defendant Nos. 1 and 3 shared the Defamatory Videos.

9. It has been contended that the Plaintiff is a leading corporate of India and enjoys a stellar reputation and goodwill in society. Defendant No. 1 to 3, with an intention to tarnish the image and reputation of the Plaintiff in the eyes of its Consultants and prospective consultants, as well as the general public, have published the Defamatory Videos. Defendants no.1 to 3 have connived and made baseless allegations of cheating, exploitation and misrepresentation against the Plaintiff and its management with regard to the remuneration and growth prospects of his employees/consultants. It is averred that these false statements made have a direct and severe impact on the reputation of the plaintiff as an employer. Allegations include the plaintiff has been involved in scamming and misleading persons to join the plaintiff company. After the publication, the plaintiff has faced embarrassment while answering queries raised by its consultants as well as people in business circles which has greatly tarnished the credentials of the Plaintiff. The Defamatory Videos continue to be accessible to the public at large. Hence the present application

for grant of ex-parte temporary injunction.

10. In support of his contentions, ld counsels for plaintiff have relied upon the following judgments :

**(1) Swami Ramdev v. Juggernaut Books Pvt. Ltd. and Ors., C.M.(M) No. 556/2018**

**(2) Tata Sky Ltd. v. Youtube LLC & Ors., C.S. (O.S.) No. 2554/2015,**

**(3) Super Cassettes Pvt. Ltd. v. Felix Arvid Ulf Kjellberg & Ors., C.S.(Comm.) 180/2019,**

**(4) Pepsico India Holdings Pvt. Ltd. v. Facebook Inc. and Ors., C.S. No. 291/2018;  
and**

**(5) Sasikala Pushpa v. Facebook and Ors., R.F.A. (O.S.) No. 27/2020.**

11. I have heard arguments advanced on behalf of the plaintiff and perused the record.

12. A perusal of the transcripts of the interview/videos allegedly available on Youtube and Facebook depict allegations against the plaintiff and its management of misleading its consultants with regard to the remuneration and growth prospects of plaintiff's employees/consultants. There are averments of

plaintiff withholding the legitimate financial claims of the employees/consultants including dues pertaining to the 'travel fund' apart from other allegations involving financial impropriety. The transcripts also show assertions of financial exploitation of female employees by the plaintiff. Further, exhortations have been allegedly made by the defendant no.1 to the consultants /employees to leave the plaintiff company. The contents of the videos/interview have the potential to adversely affect the reputation of the plaintiff amongst the public and in business circles. The defamatory videos continue to be accessible to the public at large on the website/portals of defendant no.4 and 5. In my opinion, a strong prima-facie case is made in favour of the plaintiff for grant of ex-parte interim injunction. Moreover, the balance of convenience also lies in its favour. Further, plaintiff is also likely to suffer irreparable injury, if ex-parte injunction is not granted in its favour as its reputation would be prejudicially affected by such videos.

13. **Accordingly, an ex-parte injunction is granted in favour of the plaintiff till the next date of hearing** whereby:

(1) Defendant No.1 is restrained from making any unverified,



unsubstantiated, and ex facie defamatory statements concerning the Plaintiff or repeating or republishing the statements made in the videos mentioned in Paragraph 8 and 10 of the plaint;

(2) Defendant No. 2 and 3 are restrained from making any unverified, unsubstantiated and ex facie defamatory statements against the Plaintiff or repeating or republishing any statements made in the videos mentioned in Paragraph 8 and 10 of the plaint.

(3) Defendant No. 4 and Defendant No. 5 are directed to block the videos available at the hyperlinks mentioned in Paragraph 8 of the plaint from their website/portal.

14. Plaintiff is directed to comply with the provisions of Order 39 Rule 3 CPC within three days from today.

**(Vikrant Vaid)**  
**Sr. Civil Judge-cum-RC**  
**New Delhi District, PHC**  
**27.10.2020**