

ORDER ON I.A.No.1

It is the case of the plaintiff that, he is a reputed person served as Chief Minister of Karnataka, State Party President, so also holding various portfolios in Union Ministry, now holding portfolio of Union Cabinet. Such being the facts defendants herein have started publishing false and frivolous news items and are making reckless allegations against the plaintiff without there being any justification or documentary evidence in support of their statements. The act of the defendants is causing damage to the reputation of the plaintiff and it is adversely affect the close associates of the plaintiff and his family members so also it will affect badly on his political carrier, he has also posed apprehension that some persons are

intending to take benefit of such reckless statements published by the defendants in their media thereby trying to create uncomfortable environment and wants to remove the plaintiff from his portfolio. The act of the defendants is illegal they are doing it under the guise of Freedom of expression. No doubt the defendants are entitle for freedom of speech and expression, meantime they have no right to cause damage to the image of the plaintiff. Therefore, it is just and necessary to restrain the defendants from publishing, circulating any defamatory statement or the statements which humiliate and harass the plaintiff in the eyes of general public by way of exparte ad-interim temporary injunction. Otherwise the plaintiff will put to irreparable loss which cannot be compensated by any other means. Sworn to this effect satisfied

as to the relief sought for in the application and urgency of the matter. Learned Counsel for the plaintiff in support of his oral argument has relied the following decision.

1. (2012) 10 SCC 603

Sahara India Real Estate Corporation Ltd. & others V/s SEBI & another

2. ILR 1987 KARNATAKA 100

A.K.Subbaiah Vs B.N. Garudachar

3. W.P.No.25723/2019

Sri.Sri.Santosh Guruji Vs TV-9 Kannada and others.

4. (2014) 1 High Court Cases (Del)572

Swatantar Kumar Vs The Indian Express ltd., & Others

5. O.S.No.25354/2021

Shivram Hebbar & others Vs M/ s BTV News Channel Pvt.Ltd., & Others.

I have gone through the principles laid down in the above referred matters.

Perused the application, annexed affidavit, plaint as well as materials placed on record.

At this stage if prior notices are ordered to be issued meantime the defendants may publish, circulate false, baseless and reckless news items in their respective media which may cause irreparable loss to the plaintiff reputation. Under such circumstances the very purpose of filing the suit will be defeated argument seems to be reasonable. Therefore prior notices are ordered to be dispensed herewith and I proceed to pass the following:

ORDER

Keeping I.A.No.1 filed under Order 39 Rule 1 & 2 of C.P.C. pending for consideration the defendants are hereby restrained from publishing, circulating false, baseless and reckless news items against the plaintiff in their respective medias by

way of exparte ad-interim Temporary Injunction till next date of hearing.

The plaintiff is directed to comply the provisions of Order 39 rule 3(a) of C.P.C., after compliance issue temporary injunction and notice of I.A.No.1 with suit summons to the defendants through RPAD as well as usual process if PF and charges paid.

Returnable by 19/7/2021

(MALLIKARJUNA)
XIV Addl. City Civil Judge
Bangalore