

Learned counsel appearing for the plaintiff filed a memo not pressing the suit against D.280. 286, 287, 312, 330, 331, and 327. Memo is accepted. The suit against D.280. 286, 287, 312, 330, 331, and 327 is dismissed.

The office has submitted an objection that defendants' copies are not furnished. The learned counsel appearing for the plaintiff has undertaken to furnish the copies and to pay PF. The undertaking is accepted.

<u>Plaintiffs:</u>	Harshendra Kumar D
<u>Vs.</u>	
<u>Defendants:</u>	Mahesh Shetty and others

Interim Orders on I.A.No.I & II

Heard learned counsel appearing for the plaintiff on I.A.No.I & 2. In I.A.No.1 plaintiff has sought an exparte temporary injunction order restraining the defendants or any other persons claiming on behalf of them making, telecasting, publishing, circulating, forwarding, uploading, transmitting, sharing false or defamatory information during the pendency of the suit. In IA-2 plaintiff has sought an exparte ad-interim mandatory injunction to direct the defendants to delete/deindex defamatory contents specified in the schedule from their digital media.

The Court has examined the pleadings and also the documents produced along with the plaint. Court is conscious of the fact that an exparte temporary injunction can be granted only in extraordinary cases and under exceptional circumstances. The Court is also conscious of the fact that Court shall strike a balance between the right to speech and expression guaranteed by the Constitution and also the rights of the persons who alleges defamation. But, as per the case of the plaintiff, this is an exceptional case wherein some Media and Individuals started making false and defamatory allegations against the plaintiff and his family members and also against Sri Manjunathaswamy Temple along with various Institutions run by it without any basis.

The pleading indicates that in respect of a criminal incident of rape and murder taken place on 09.10.2012 allegations are made

against the plaintiff, his family members and Institutions for which plaintiff is a Secretary. It was a case registered in crime 250/2012 of Belthangadi PS against one Mr.Santhosh Rao wherein the investigation was handed over to CBI and after investigation, the charge sheet was filed against one Mr.Santhosh Rao, which is stated to have ended in acquittal and even confirmed by the Hon'ble High Court of Karnataka. It is contended by the learned counsel appearing for the plaintiff that the entire allegation made against the plaintiff, the institutions and his family members were proved to be false by investigation conducted by the CBI.

Now it is stated that another FIR is registered in Crime No.39/2025 and pursuant to the registration of this FIR, false, baseless, reckless and defamatory allegations are made against the plaintiff, his family members, the institutions under their charge and the temple also. The copy of the FIR produced before the Court shows that the first informant was a sanitation worker under the Village Panchayath. In the FIR, the first information merely stated that he has buried various dead bodies within the limits of Dharmastala. In the entire FIR, there is no allegation against the plaintiff, his family members or any of the institutions run by the temple administration. It is contended that though there is no allegation against the plaintiff and his family members in the FIR or in the investigation so far made, the defendants are making defamatory and false allegations without any basis and such allegations are seriously affecting the reputation of the plaintiff, his family members and also the temple.

It is also pleaded that there are more than 75 thousand employees under the plaintiff and the institutions for which he is a Secretary. It is further stated that more than 45 thousand students

are studying in various schools and colleges administered by the Society in which the plaintiff is a Secretary.

The Court cannot ignore the fact that though the reputation of every citizen is very important, when an allegation is made against the institution, and temple, it affects wider range of people including the employees and students who are studying in various colleges and schools. Therefore, even a single false and defamatory publication would seriously affect the functioning of the institutions. No doubt the defendants are entitled to prosecute the culprits and they are entitled to take suitable legal recourse if any of the offences are committed. But, the reputation of a person or institution cannot be marred without any basis by making defamatory allegations. It is contended that defamatory statements are made without any basis. If the defendants are allowed to make such defamatory statements, the damage likely to be caused to the plaintiff, temple and the institutions cannot be quantified. Even if the suit is decreed or an order of injunction is passed after hearing the defendants, the damage likely to be caused in the interregnum period cannot be compensated in any way.

Learned counsel appearing for the plaintiff has also placed reliance on the Hon'ble Supreme Court rendered in the case of Hammad Ahmed v/s Abdul Majeed and others (2019)14 SCC 1 and also Dorab Cawasji Warden v/s Coomi Sorab Warden and others (1990)2 SCC 117 and contended that the URL links through which false, defamatory contents circulated by the defendants already reached one million people and if they are allowed to continue, it would cause further damage on minute to minute basis. In the aforesaid decisions, the Hon'ble Supreme Court has held that ad-interim mandatory injunction can be granted if the court is satisfied

that withholding of it would prick the conscience of the court and do violence to the sense of justice. This is an exceptional case wherein there are warranting circumstances to pass an ex parte ad-interim mandatory injunction directing the defendants to delete and deindex all the defamatory contents as specified in the schedule to the plaint and IA No.2 to prevent further damages.

The court has fully satisfied that the plaintiff has made out a strong prima-facie case for grant of ex parte orders. Further, the balance of convenience lies in favour of the plaintiff and irreparable loss and hardship would be caused to the plaintiff if an order of ex parte TI is not granted. On the other hand, if ex parte TI is granted, no hardship or inconvenience would be caused to the defendants. The Court has also satisfied that if an ex parte TI is not granted, the very object of IA No.1 & 2 would be defeated by delay.

Accordingly, the following order is passed:-

ORDER

Defendants, their men, officials, anchors, representatives or any persons claiming on behalf of them are restrained from publishing, circulating, forwarding, uploading, transmitting and telecasting any defamatory contents and information against the plaintiff, his family members, institutions run by the family of the plaintiff and Sri Manjunathaswamy temple, Dharmastala either in the digital media including YouTube channels, all social medias or print media of any kind until the next date of hearing.

Further, the defendants are directed by way of ad-interim mandatory injunction to delete/de-index all the defamatory contents and information against the plaintiff, his family members, institutions run by the family of the plaintiff and Sri Manjunathaswamy temple, Dharmastala either in the digital media or print media of any kind

until further orders.

The plaintiff shall comply under Order XXXIX Rule 3(a) of CPC. The plaintiff is permitted to comply by forwarding the plaint, IA copies and documents through e-mail and whatsapp. In view of the urgency, the plaintiff is also permitted to forward the uploaded copy of this order to the defendants.

Further, issue John Doe Order as sought in I.A.No.1 & 2.

The plaintiff shall issue a paper publication in two English news papers and two Kannada newspaper having wide circulation.

Issue T.I order, suit summons and notice on I.A.No.1 & 2, returnable by 05.08.2025.

(Vijaya Kumar Rai)
X Addl. City Civil & Sessions Judge,
Bangalore.