

ORDER ON EXH. 5

1. The present application has been moved by the plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908, seeking grant of an ex-parte ad-interim injunction restraining Defendant Nos. 1 to 3 from publishing, circulating, or disseminating defamatory and scandalous content in the nature of videos and related material, which, according to the plaintiff, falsely and maliciously target the Hon'ble Prime Minister of India and the Bharatiya Janata Party. The plaintiff further seeks directions to Defendant Nos. 4 to 8, who are pleaded to be online intermediary platforms, to take down/disable access to the impugned content hosted on their respective platforms and to prevent further dissemination.
2. I have carefully perused the plaint, the present application, the affidavit filed in support thereof, the list of documents, and the electronic evidence placed on record. The pleadings disclose that Defendant Nos. 1 and 2 are directors, and Defendant No. 3 is the company operating a digital media network styled as "4PM News Network", and that the impugned content has been published and continues to remain accessible on social media platforms including YouTube, Facebook, Instagram, and X (formerly Twitter), which are impleaded as Defendant Nos. 4 to 8. The plaintiff asserts that the impugned videos are published with sensational and offensive titles and thumbnails and are designed to create a false and defamatory impression by linking the Hon'ble Prime Minister and the ruling political party with scandalous insinuations. The plaintiff pleads that the cause of action arose on 04.01.2026 when the plaintiff accessed

the impugned content at Matar, District Kheda, and that the content is accessible within the territorial jurisdiction of this Court and has impacted the plaintiff's standing locally.

3. The plaintiff has also produced electronic records in a pen drive, supported by a certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023, asserting that the electronic record is a faithful reproduction of the content as available on the respective platforms. At this interlocutory stage, the Court is not adjudicating upon the truth or otherwise of contested factual assertions as would be done after trial. The Court is confined to examining whether the plaintiff has established: (i) a prima facie case; (ii) balance of convenience; and (iii) likelihood of irreparable injury, for the purpose of interim protection.
4. From a prima facie appreciation of the pleadings and the nature in which the impugned videos are described to have been presented (including titles/thumbnails alleged to be scandalous and ex facie defamatory), this Court finds that the plaintiff has been able to make out a strong prima facie case. The alleged imputations, if unverified and false as pleaded, have the tendency to lower the reputation of constitutional functionaries and a national political party in the estimation of right-thinking members of society. The right to reputation is a valuable right and is recognised as an intrinsic facet of the right to life under Article 21 of the Constitution of India.
5. In the contemporary digital ecosystem, the speed, reach, replicability, and persistence of online publications amplify potential harm. Defamatory content, once uploaded, is capable of being shared, mirrored, re-uploaded, and archived across jurisdictions within a short

time, thereby rendering subsequent remedial measures substantially ineffective. The plaint specifically discloses that the impugned videos/links are hosted on multiple intermediary platforms and remain accessible to the public, and that such continued availability aggravates the alleged injury. The balance of convenience, therefore, tilts in favour of the plaintiff. On the one hand is the right to reputation and the alleged continuing injury pleaded by the plaintiff; on the other is the defendants' claimed right to publish content. At the interim stage, where the material is pleaded to be prima facie defamatory, unverified, and designed for sensationalism rather than verified public discourse, the restraint sought is warranted to preserve the subject matter and to prevent the alleged injury from becoming irreversible. The inconvenience to Defendant Nos. 1 to 3, if any, in being restrained from further dissemination of the impugned content is outweighed by the potential harm to reputation if restraint is denied.

6. Irreparable injury is also made out. Damage to reputation is not ordinarily capable of being adequately compensated by monetary damages, particularly when the injury is continuous and perpetuated through repeated online circulation. The apprehension expressed by the plaintiff that Defendant Nos. 1 to 3 may continue or repeat similar publications is not, at this stage, without basis, having regard to the pleadings as to continued circulation on multiple platforms.
7. The legal position with respect to protection of reputation and grant of injunctive relief in cases of defamation is no longer res integra. The **Hon'ble Supreme Court** has consistently held that the right to reputation is an integral part of the right to life guaranteed under Article 21 of the Constitution of India. In **Subramanian Swamy v.**

Union of India, (2016) 7 SCC 221, the Constitution Bench unequivocally recognised that reputation is a cherished value of life and dignity, and that the right to free speech does not extend to making reckless, false, or defamatory imputations which injure the reputation of others. The **Hon'ble Supreme Court in Board of Trustees of the Port of Bombay v. Dilipkumar Raghavendranath Nadkarni, (1983) 1 SCC 124**, observed that reputation is an element of personal security and is protected by the constitutional guarantee of life and liberty. Similarly, in **State of Bihar v. Lal Krishna Advani, (2003) 8 SCC 361**, the Court reiterated that reputation is an integral and inseparable aspect of dignity of an individual.

8. It is equally well settled that while freedom of speech and expression under Article 19(1)(a) is a fundamental right, it is subject to reasonable restrictions under Article 19(2), including on the ground of defamation. The **Hon'ble Supreme Court in R. Rajagopal v. State of Tamil Nadu, (1994) 6 SCC 632**, clarified that the press does not have an unfettered right to publish defamatory material, and that false statements of fact which damage reputation are not protected merely because they are published under the guise of journalism. In the context of interim injunctions in defamation cases, courts have consistently held that where the impugned material is ex facie defamatory, unverified, and likely to cause irreparable injury, the court is justified in granting temporary restraint. The Hon'ble Delhi High Court in **Tata Sons Ltd. v. Greenpeace International, 2011 (178) DLT 705**, while balancing free speech with reputational rights, held that false and misleading statements which are not supported by verifiable facts can be enjoined at an interim stage to prevent

irreparable harm. Likewise, in **Swami Ramdev v. Facebook Inc., 2019 SCC OnLine Del 10701**, the Hon'ble Delhi High Court acknowledged that online defamatory content has a far greater and more enduring impact, warranting prompt judicial intervention including takedown directions to intermediaries. The Courts have further held that once specific defamatory content is brought to the notice of an intermediary platform, and the same is found prima facie unlawful, directions for removal are permissible to prevent continued dissemination. Such directions do not amount to impermissible prior restraint but are a protective measure to preserve the right to reputation pending adjudication. Applying the aforesaid settled principles to the facts of the present case, this Court finds that the impugned publications, prima facie, cross the permissible limits of free speech and fall within the domain of actionable defamation. The plaintiff has, therefore, rightly invoked the jurisdiction of this Court seeking interim protection to prevent continuing and irreparable injury.

9. This Court is conscious that freedom of speech and expression under Article 19(1)(a) of the Constitution is a cherished right. However, such freedom is not absolute and is subject to reasonable restrictions, including those relating to defamation. The present order does not amount to a blanket or permanent gag but is a narrowly tailored interim measure intended to prevent immediate and irreparable harm, pending adjudication on merits.
10. **Considering the speed and irreversible nature of digital dissemination, issuing notice prior to restraint would defeat the very purpose of injunction.** As regards Defendant Nos. 4 to 8, they

are impleaded as intermediaries/platforms where the impugned content is hosted. At this stage, their role is confined to compliance with lawful orders of a competent court. Once specific URLs/links and identified content are brought to the notice of the Court and are found to warrant interim restraint, appropriate directions for disablement/takedown to prevent further dissemination are permissible, without expressing any final opinion on merits.

11. This Court is also conscious that an injunction in a defamation-related dispute must be carefully calibrated and should not become an overbroad or blanket restraint beyond what is necessary to prevent immediate harm. The interim protection granted herein is confined to the impugned videos/links/content detailed in the plaint and to substantially identical re-uploads of the same content, and is subject to further orders after notice and hearing of the defendants. This Court records, in compliance with Order XXXIX Rule 3(a) of the Code of Civil Procedure, 1908, that the grant of injunction without issuing prior notice to the defendants is necessitated on account of the immediacy of harm pleaded, the viral and irreversible nature of digital dissemination of the impugned content, and the likelihood that any delay caused by issuance of notice would defeat the very purpose of the injunction and result in irreparable injury to the reputation of the plaintiff and the persons concerned.
12. Considering the nature of allegations, the pleaded immediacy of harm, and the irreversible character of digital dissemination, issuance of notice prior to interim restraint may defeat the very purpose of the injunction due to viral spread. In view of the aforesaid discussion, this Court is satisfied that this is a fit case for grant of ex-parte ad-interim

relief. Hence, in the interest of justice, this court passes the following order:

ORDER

1. In view of the aforesaid discussion, the present application is allowed to the extent indicated below and this Court passes the following ex-parte ad-interim order:

A. Pending hearing and final disposal of the suit, Defendant Nos. 1 to 3, their directors, editors, office bearers, agents, servants, representatives, affiliates, and any person acting for or on their behalf, are restrained by way of an ex-parte ad-interim injunction from further publishing, uploading, circulating, broadcasting, or otherwise disseminating, directly or indirectly, the impugned videos/links/content concerning the Hon'ble Prime Minister of India, the Bharatiya Janata Party, or its party workers as specifically detailed in the plaint (including the URLs mentioned therein) and from creating or disseminating substantially identical versions thereof, on any electronic, digital, or social media platform, until further orders.

B. Defendant Nos. 4 to 8 are directed to disable access to/take down/remove the specific impugned videos, links, and related content as detailed in the plaint (including the URLs mentioned therein), from their respective platforms within a period of forty-eight (48) hours from receipt of

this order, subject to applicable law and platform procedure for compliance with court orders.

C. Defendant Nos. 1 to 3 are further restrained from re-uploading, mirroring, or causing to be re-uploaded/mirrored the same impugned content or any substantially identical content on any platform during the pendency of the suit.

2. Issue notice to the defendants, returnable on the next date of hearing fixed as 20/01/2026.
3. The plaintiff shall comply with the requirements of Order XXXIX Rule 3 CPC forthwith and, in any case, within the stipulated period, by serving upon the defendants copies of the plaint, application, affidavit, documents, and a copy of this order, and shall file proof of such compliance on or before the returnable date.
4. It is clarified that the observations made herein are purely prima facie and confined to the adjudication of the present interim application, and shall not be construed as an expression on the merits of the case, which shall be decided independently after hearing the parties.

Order is pronounced in open court today, 5th day of January, 2026.

Date- 05/01/2026

Place- Matar.

(Mr. Narender Kumar)
Principal Civil Judge,
Matar, District Kheda at Nadiad
GJ 01440