

KABC010231892024



**IN THE COURT OF I ADDITIONAL CITY CIVIL &
SESSIONS JUDGE AT BENGALURU (CCH.No.2)**

PRESENT :- Sri. B.P.Devamane, LL.M.
I Addl. City Civil & Sessions Judge,
Bengaluru.

Dated this the 19th of September 2024.

O.S. No.6395 / 2024

PLAINTIFFS:-

- 1. Sri.K.Sujendra,**
S/o. Krishnappa,
Aged about 43 years,
R/at #90, Hoovinayakanahalli,
Bengaluru North, Bengaluru.
- 2. Sri.Satish K,**
S/o. Krishnappa,
Aged about 42 years,
R/at Bengaluru North, Gopalapura,
Bengaluru, Karnataka-562149.
- 3. Sri.Chandresh S,**
Aged about 37 years,
R/at Arenbannimangala Village,
Bengaluru North taluk,
Arebinnamangala, Bengaluru.
- 4. Sri.Thimmegowda B,**
S/o. Bachappa R,
Aged about 37 years,
R/at #66, Jala Hobli,
Mahadevakodigehalli,
Bengaluru North, Bengaluru.

5. **Sri.Manjunath M,**
S/o. Muniyappa,
Aged about 49 years,
R/at Machappanahalli, Bengaluru
North, Machappanahosahalli,
Bengaluru, Budigere,
Karnataka-562129.
6. **Smt.Rathnamma,**
W/o. Rajanna,
Aged about 48 years,
R/at #71, Hosakote Taluk,
Bhodanahosahalli, Somathanahalli
PO, Bengaluru Rural.
7. **Sri.Shantha Kumara A,**
Aged about 36 years,
R/at B.K.Halli Post,
Bengaluru North, Huvinayakanahlli,
Bandikodigehalli, Bengaluru North,
Bengaluru, Karnataka-562149.
8. **Sri.Vijaya Kumar,**
S/o. Muniyappa,
Aged about 40 years,
R/at B.K.Halli Post, Bengaluru North,
Huvinayakanahlli, Bandikodigehalli,
Bengaluru North, Bengaluru,
Karnataka-562149.

(By Sri.Arnav A Bagalwadi, Adv.)

- VS -

DEFENDANTS:-

1. **Samrat Digital (Samrat TV)**
48, 2nd Floor, 2nd Main,
2nd Cross, Ganganagar,
Muthappa Block, R.T.Nagar,
Bengaluru, Karnataka-560 032.
Rep. by its Chief Editor.

2. **Smt.Kanakamma,**
W/o. Late Rajanna,
Aged about 46 years,
Occ.Business,
R/at #135, Near Yellamma Temple,
Ullal Upanagar, Bengaluru-560 056.
3. **FACEBOOK India Online Services
Pvt. Ltd.,**
14th Floor, Skyview 10,
The Skyview Survey No.83/1 of
Raidurg (Panmaqtha) Village,
Serilingampally Mandal,
Ranga Reddy District, Shaikpet,
Telangana, India-560 081.
Rep. by Authorised Signatory.

(By Sri.G.M.S., Adv. for D1 and D2)

ORDER ON I.A.No.1 FILED UNDER ORDER 39

RULE 1 AND 2 R/W SEC.151 OF CPC

Plaintiffs filed this suit for permanent against the defendants restraining the defendants or anybody acting on their behalf from telecasting / transmitting / publishing / distributing / sharing any material, transient, audio format in any print or television channels, which is false, malicious, defamatory and derogatory news relating to the plaintiffs.

2. Plaintiffs filed IA No.1 under Order 39 Rule 1 & 2 R/W Sec.151 of CPC with prayer to issue order of temporary injunction against the defendants or anybody acting on their behalf, restraining them from publishing or telecasting any defamatory statements of any sort against the plaintiffs in print or electronic media and consequently take down the aired defamatory programmes.

3. a) In the affidavit supporting IA, it is stated that, the plaintiff No.1 is the real estate agent, doing his business along with the plaintiff Nos.4 and 5. The plaintiff Nos.7 and 8 are the real estate agents, who deal in procurement of land and mediate in order to find suitable buyer in order to sell the lands. In the course of business, the plaintiffs came across the defendant No.2, who claims to be the wife of Sri.Rajanna and owner of Sy.No.232 measuring 2 acres situated at Manchappana Hosahalli Village, Jala Hobli, Yelahanka Taluk, Bengaluru, having come in possession of the said land after demise of said Sri.Rajanna. Said Sri.Rajanna alleged to have left home in the year 2013. A missing report was registered before Tavarekere Police Station. Suit came to be filed in the year 2021 in O.S.No.1676/2021 (CCH-11) claiming the civil death of said Rajanna. Said suit came to be decreed. The defendant No.2 executed the registered agreement of sale dated 03.09.2022 in favour of the defendant Nos.4 and 5 for sale consideration of Rs.1,30,00,000/-. The plaintiff No.6 being the real wife of said Rajanna having married him on 31.03.1989, much prior to the marriage of the defendant No.2, executed the sale deed on 19.01.2023 in favour of plaintiff No.3 Chandresh. In the meantime, defendant No.2 started demanding more money from the plaintiff Nos.4 and 5 to the tune of Rs.5,30,00,000/-, which led the plaintiff Nos.4 and 5 to file suit for specific performance in O.S.No.398/2023 in the Court of Senior Civil Judge and JMFC, Devanahalli.

3b) The defendant No.2 filed complaint in Jnanabharathi Police Station on 24.11.2023 in Crime No.432/2023 against the plaintiff Nos.1 to 8. The plaintiffs challenged the said complaint and

obtained stay against the investigation as the matter is of purely civil nature. On the basis of jurisdiction, the said complaint was transferred to Bagalur Police Station. Bagalur Police have registered the case against these plaintiffs in Crime No.3/2024 for the offences punishable under Sections 417, 420, 465, 471, 468, 506, 34 r/w Sec.120B of IPC and Sections 3(1)(r), 3(1)(s) and 3(1)(v-a) of SC / ST (POA) Act, 1989 and the said case came to be stayed by the Hon'ble High Court. The defendant No.2 approached the defendant No.1, which is a digital based TV News Channel to air defamatory news against the plaintiffs knowing fully well the status of the same, yet with ulterior motive and solely to tarnish the reputation and image of the plaintiffs. The defendant No.1 claiming to do justice to their viewers by giving them a "360-degree view of the happenings" without ascertaining or verifying facts, airs complete false news against the plaintiffs. In fact, the clippings would easily go to show that, on instruction of the defendant No.2, a narration is painted as the plaintiff No.2 and 6 have killed Rajanna and FIR is registered. The statements, insinuations and allegations made by the defendant No.1 channel are baseless, false, fictitious and defamatory. The plaintiffs being the respected and established individuals in the society at large, programme on 31.08.2024 so aired will for no reason being far from truth, has tarnished the image of the plaintiffs with malafide intention without any valid reason. The plaintiffs and their family members are facing unnecessary humiliation and mental agony due to such baseless allegations, made in the public. Hence, plaintiffs filed this IA with prayer to restrain the defendants making such false, baseless and defamatory allegations against the plaintiffs.

4. The defendant Nos.1 and 2 appeared through their counsel and filed objections to the IA denying the contents of the affidavit supporting the IA and parawise contents of the plaint. It is contended that, the plaintiffs have not made out prima facie case and balance of convenience do not lie in favour of the plaintiffs. Granting interim injunction, at this stage, would unfairly restrain the defendants from exercising their freedom of speech and expression. The application filed by the plaintiffs appears to be attempt to suppress legitimate reporting and expression by the media. The allegations regarding airing of the programs on 31.08.2024 and the subsequent circulation on social media platforms are general and not supported by specific details. The claim of the plaintiffs regarding harassment and mental agony lacks substance and does not justify the issuance of temporary injunction. The plaintiffs misleading promotions seeks to bring the true facts about the plaintiff's activities before the public. The intention is to ensure transparency and prevent further exploitation of innocent individuals. Granting a pre-trial injunction against an article's publication can have serious consequences for freedom of speech. Hence, prayed to dismiss the I.A.No.1.

5. Heard the arguments from both the sides. Perused the materials on record.

6. Now the points that arise for my consideration are as follows :-

1. Whether the plaintiffs have made out a prima facie case for grant of temporary injunction as prayed in I.A.No.1 ?

2. Whether the plaintiffs will be put to great hardship in the event of temporary injunction is not granted and the balance of convenience lies in their favour ?
- 3 . What order ?
7. My answer to the above points are as under:

Point No.1 & 2 :- In the Affirmative.

**Point No.3 :- As per the final order,
for the following:**

REASONS

8. **POINT Nos.1 & 2:-** It is the case of the plaintiffs that, the plaintiff Nos.1, 4, 5, 7 & 8 are the real estate agents, who used to do the business of procurement of land and mediate in order to find a suitable buyer in order to sell the lands. The plaintiffs came in contact with the defendant No.2. The defendant No.2 claims to be the wife of Sri.Rajanna and further claims to be the owner of Sy.No.232, measuring 2 acres situated at Manchappanna Hosahalli Village, Jala Hobli, Yelahanka Taluk, Bengaluru District. The husband of the defendant No.2 by name Rajanna is alleged to have left home in the year 2013 and a missing case was registered through Tavarekere Police Station. Thereafter, case in O.S.No.1676/2021 was filed regarding missing of said Rajanna. Defendant No.2 executed the agreement of sale dated 03.09.2022 in favour of the plaintiff Nos.4 and 5 for total sale consideration of Rs.1,30,00,000/-. It is alleged that, the plaintiff No.6 being the real wife of said Sri.Rajanna having married him on 31.03.1989 , prior to the marriage of defendant No.2, executed sale deed on 19.01.2023 in favour of plaintiff No.3 Chandresh. Under these circumstances, the defendant No.2 started demanding more money from the plaintiff

Nos.4 and 5 to the tune of Rs.5,30,00,000/-, which made the plaintiff Nos.4 and 5 to file suit for specific performance in O.S.No.398/2023 before Senior Civil Judge and JMFC, Devanahalli, which is pending. Thereafter, this defendant No.2 filed a complaint before Jnanabharathi Police Station on 24.11.2023, which is registered in Crime No.432/2023. The said complaint came to be transferred to Bagalur Police Station and registered in Crime No.3/2024 for the offences punishable under Sections 417, 420, 465, 471, 468, 506, 34 r/w Sec.120B of IPC and Sections 3(1)(r), 3(1)(s) and 3(1)(v-a) of SC / ST (POA) Act, 1989 and the said case came to be stayed by the Hon'ble High Court. Under these circumstances, the defendant No.2 approached the defendant No.1 TV channel to air defamatory allegations against the plaintiffs.

9. Advocate for the plaintiffs argued that, since there is a civil dispute pending between the plaintiffs and defendant No.2, the defendant No.2 by colluding with the defendant No.1 is making false allegations, defamatory and derogatory news concerning the civil dispute stating that, the plaintiffs have killed the husband of the defendant No.2 without any basis. If the defendants are not restrained from airing or making false, defamatory and derogatory allegations against the plaintiffs, the reputation of the plaintiffs will be spoiled and the plaintiffs including their family members will be put to great hardship and their business will be ruined, hence, prayed to allow the IA No.1.

10. Advocate for the defendant Nos.1 and 2 submitted that, these defendants are not going to make or air any false or defamatory allegations against the plaintiffs. However, the defendant No.1 TV channel is airing real news and making public

aware. There is no prima facie case and balance of convenience do not lie in favour of the plaintiff, hence, prayed to reject the IA No.1.

11. On perusal of the objections filed by the defendant Nos.1 and 2, it is not denied regarding the civil dispute pending between the defendant No.2 and the plaintiffs. Further, it is not denied regarding filing of criminal complaint before the Police Station by this defendant No.2 against the plaintiffs. In the objections, parawise contents of the plaint are denied and it is contended that, granting interim injunction, at this stage, would unfairly restrain the defendants from exercising their freedom of speech and expression. Advocate for the plaintiffs furnished some of the photographs of the alleged news channel. In one of the clippings, it is shown thus, ರಾಜಣಿ ಕಾಣೆಯಾದ ಒಂದೇ ವರ್ಷಕ್ಕೆ ರಾಜನಾಸ್ತಿ ಸತೀಶನ ಪಾಲಾಯ್ತು. Advocate for the plaintiffs has also produced the original agreement of sale executed by this defendant No.2 and others in favour of the plaintiff Nos.4 and 5. Under these circumstances, looking to the materials available before the Court, it appears that, there is civil dispute pending between the plaintiff Nos.4 and 5 and defendant No.2. Further, this defendant No.2 has filed the complaint against these plaintiffs. The defendant No.2 with the aid of the defendant No.1 is trying to make defamatory allegations against the plaintiffs. If the IA is not allowed and the defendants are not restrained by an order of injunction from making any false, defamatory and derogatory statements against the plaintiffs in their TV channel, social media etc., the plaintiffs will be put to hardship, which cannot be compensated in terms of the money. Under these circumstances, the plaintiffs have made out a prima facie case and balance of convenience lies in their favour. Accordingly, I answer **point Nos.1 and 2 are in the Affirmative.**

12. **POINT No.3** :- In view of the aforesaid discussions, I proceed to pass the following :-

ORDER

I.A.No.1 filed by the plaintiffs under Order 39 Rule 1 and 2 r/w Sec.151 of CPC, is allowed.

The defendants or anybody claiming under them are restrained from issuing / posting defamatory statements of any sort in connection with any matter against the plaintiffs to the print or electronic media and consequently take down the aired defamatory programmes, if any, pending disposal of this suit.

(Dictated to the Stenographer-III, transcribed and typed by her, corrected and then pronounced by me in the open court on this the 19th day of September, 2024)

(B.P.Devamane)
I Addl. City Civil & Sessions Judge,
Bengaluru.