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O.A.No.361 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 15.07.2025	PRONOUNCED ON 08.08.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

O.A.No.361 of 2025

in

C.S.No.73 of 2025

Dr.V.Mohan

... Applicant/Plaintiff

vs.

Dr.B.Mukesh

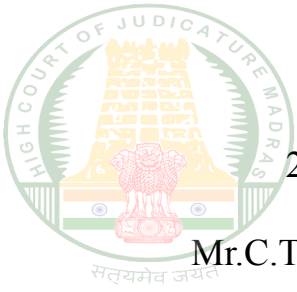
... Respondent/Defendant

For Applicant : Mr.Krishna Ravindaran

For Respondent : Mr.T.Mohan Senior counsel for
Mr.Abhinav Parthasarathy

ORDER

This Application had been filed to grant an order of interim injunction restraining the respondent, his men, agents or representatives from publishing, circulating and writing in any manner on any social media, platform or any other public domain, any false and derogatory remarks about the applicant and his institution, pending disposal of the suit.



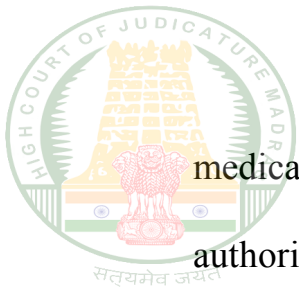
2.Mr.Krishna Ravindaran, learned counsel appearing for the applicant,
Mr.C.T.Mohan, learned Senior Counsel appearing for Mr.Abhinav
Parthasarathy learned counsel for the sole respondent.

3. The learned counsel appearing for the applicant would submit that the applicant is a reputed Doctor and he is a consultant diabetologist. He had also been conferred with the various awards in the field of Medical excellence. He would submit that in the year 2013, when a drug named Pioglitazone was introduced, he along with the other senior Diabetologist and professors published a letter to the Editor of a Journal of Association of Physicians of India that certain ill-effects were associated with the said drug. He had also sent a letter to the Drug Control of India indicating the side-effects of the said drug. Initially the said drug was banned by the Department. After receiving various representations and also considering the said drug to be cheaper in a market and taking into consideration the banning of the said drug by other countries, the same was permitted to be sold in India subject to the drug manufacturers also publishing a caution on the use of the said drug and left it open to the Doctors to prescribe the said drug. Right from the said date, the respondent herein had been defaming the applicant and had also been



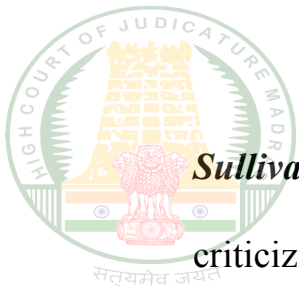
approaching various forums making complaint against the applicant. He would submit that all the complaints as against the applicant had been closed, but the respondent is making statements to bring disrepute to the applicant. He would submit that the respondent would have right to comment on the views of the applicant, but had stretched himself calling the applicant a con artist, fraudster. He would submit that as a dutiful Doctor in the field of Diabetologist, it is his duty to bring about the pros and cons of a drug for the benefit of the patients and his act was only such act. Therefore, he prays this Court to grant an injunction restraining the respondent from publishing, circulating or writing in any manner in any social media or other public domain false and derogatory statements against the applicant.

4. Countering his arguments, learned Senior counsel appearing for the respondent would submit that the applicant only at the behest of certain pharmaceutical industry had lodged a complaint as against the use of drug. He would submit that the said drug has been approved by the Drug Control General of India, was the cheapest available drug for people suffering from diabetics. He would further submit that the applicant had instilled fear and panic among the public, which had led to ambiguity in the minds of the



medical fraternity. He would submit that within a short span of time, when the authority was appraised of the benefits of the drug, the ban was lifted. He would submit that the applicant himself had admitted an error in a judgment in an article published by him in a leading daily news paper. He would submit that what has been attempted by the respondent is to bring to the knowledge of the public, the conduct of the applicant in supporting a pharmaceutical industry.

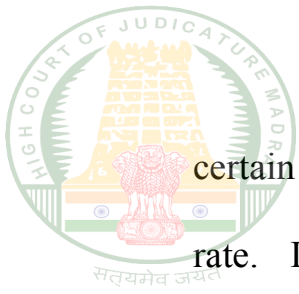
5. He would further submit that such statements made by the respondent cannot be said to be defamatory or derogatory. He would contend that the respondent had been litigating the issues before various forums being the whistle-blower on the issue and the Writ Petitions are also pending against the orders of the statutory authority. He would further submit that clubbing of all defamatory statements in one Suit cannot be permitted and the applicant would have to file separate suits for each and every publication as and when lead to separate cause of action. In support of his contention, he had relied upon the judgment of the Delhi High Court in the case of ***Khawar Butt vs. Asif Nazir Mir & Ors.***, reported in ***2013 SCC Online Del 4474***. Relying upon a judgment of the Supreme Court of Alabama in the case of ***New York Times Co., vs.***



Sullivan, he would submit that a statement for discussing public affairs and criticizing public officials cannot be a reason to sue an individual for Civil Libel. Relying upon the judgment of this Court made in *A.No.1009 of 2023*, dated 26.06.2023, he would submit that it is always beneficial for the public to know of a fraud that may be committed by an individual and therefore, such remarks given by way of a clarification from the public based upon the respondent's opinion cannot be said to be a defamatory or derogatory statements made against the applicant and he would pray this Court to dismiss the application.

6. I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials placed on record.

7. The undisputed facts are that the applicant had given his opinion on the negative impacts of the drug named Pioglitazone widely used into the treatment of Diabetics as it was the most economically viable drug. It is to be noted that the said opinion given by the applicant was also collectively given by other senior Diabetologist and Professors in the field. It is the claim of the respondent that the applicant had made such a statement only at the behest of



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certain pharmaceutical industries, who were manufacturing drugs at a higher rate. Initially the Drug Control General of India had banned the drug, but however on representation of other various Doctors, the ban was lifted, however with a precaution that the usage of drug may lead to certain side-effects. It is also not denied by the respondent that he had approached various authorities complaining about the conduct of the applicant in giving his opinion. It is not denied by the respondent that such authorities have negated his complaints and he had also challenged the findings of the authority, which is pending for adjudication before this Court on the Writ jurisdiction. The respondent also has not denied the reputation of the applicant, however he had categorically averred that having such a reputation, the applicant ought to have been more vigilant in making giving such opinions.

8. As already noted above in the facts of the case, the respondent had failed in his attempts over the allegations made by him against the applicant before the authorities and challenge against the same is pending adjudication before this Court. In the peculiar facts and circumstances of the case, this Court is of the view that the judgments relied upon by the learned Senior



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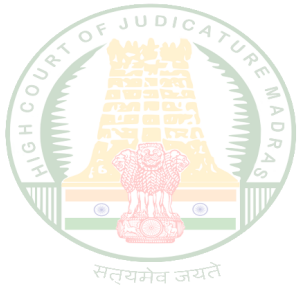
counsel for the respondent cannot be made applicable to the facts of this Court.

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9. For the foregoing reasons, there shall be an order of injunction restraining the respondent, his men, agents or representatives from publishing, circulating and writing in any manner on any social media, platform or any other public domain, any false and derogatory remarks about the applicant and his institution, pending disposal of the suit. However, this injunction will not preclude the right of the respondent in prosecuting the cases initiated by him challenging the decision of the authorities. Hence, the Application is ordered accordingly. However, there shall be no order as to costs.

08.08.2025

Index : Yes / No
Internet : Yes / No
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