

O.S. No. 4944 of 2023

4.8.2023

Sri K.R.chandrashekar @ Kodihalli chandrashekar

V/s

M/s Power Smart Media (OPC) Pvt Ltd., and others.

ORDERS ON IA No.1

Heard learned counsel for the plaintiff on IA No.1.

The plaintiff has filed IA No.1 under order 39 Rule 1 and 2 C.P.C seeking to grant an exparte ad-interim order of stay restraining the defendants or anybody acting under them from telecasting/broadcasting/circulating/publishing the debate clipping news dated. 24.07.2023 in the name of "Aaham Abraham hey Noutanki" program telecasted in 'Gosumbe' items or repeating the same in defendants channels against the plaintiff pending disposal of the suit.

The plaintiff has filed this suit seeking for permanent injunction restraining the defendants from or their agents or their representatives or anyone on their behalf from telecasting or broadcasting or publishing or circulating the debate dated. 24.07.2023 in the name of 'Aaham Abraham Hey Noutanki' program telecasted in 'Gosumbe' in

any manner or whatsoever. The Plaintiff averred that he is a noted activist of rights of a farmer who has travelled throughout Karnataka representing their grievances to the Government. Due to his service he is holding position as Coordinator of All India Kisan Sangarsh Coordinating Committee besides leading KSRTC and BMTC Staff and Workers as its working President. The defendants TV Channels telecasted program in the name of Gosumbe on 24.07.2023 at 10 a.m. against the plaintiff which are false and frivolous. The plaintiff is referred the various names during program. The said news are falsely published which have caused immense hardship and mental agony for his struggle. In the course of debate with respect to some 3rd persons intentionally the plaintiff's name is arrayed to tarnish his image with ill-motive. The complaint was not received by the police. Hence has approached the court seeking interim relief.

Perused the plaint averments, IA No.1, affidavit annexed thereto and documents along with plaint.

On perusal of documents produced by the plaintiff, it reveals that the photographs in the defendants channels the program is telecasted in

the name of Gosumbe. The entire records does not disclose as to any allegation against the plaintiff. There has to be a balance between the right of freedom of speech and expression, the right to know as well as the right of reputation of a person. At this stage considering that the right to reputation of the plaintiff has to be protected immediately and relying on the decision in Swatanter Kumar V/s. The Indian Express Ltd., and others decided on 16.01.2014 wherein Hon'ble Supreme Court of India in a similar matter has granted relief from publication, the case is aptly applicable to the suit on hand and on the basis of that media itself cannot form its own opinion and come to the conclusion and pronounce the judgment in the absence of any complaint against the plaintiff herein. If interim relief is not granted there would be irreparable loss to his image. Already the program is telecasted and plaintiff apprehends repetition of the said broadcast. Considering that the plaintiff is an activist amongst to the public raising voice for the farmers. Any such news would affect his image in the society. Therefore, the plaintiff has made out prima-facie case and balance of convenience lies in his favour. Hence, the court deems it fit to grant order of temporary injunction.

The defendants or anybody acting under them are hereby restrained from telecasting/ broadcasting/ circulating/ publishing the debate clipping news dated. 24.07.2023 in the name of 'Aaham Abraham Hey Noutanki' program telecasted in 'Gosumbe' items or repeating the same in defendants channel against the plaintiff till next date of hearing.

Plaintiff shall comply with provisions under order 39 Rule 3(A) of C.P.C.

Issue suit summons, notice of IA No.1 along with T.I notice to the defendants if P.F is paid r/by 22.09.2023.

XXIV ACC & SJ, BENGALURU