

Present: Sh. Amritpal Singh Sandhu, Advocate counsel for the plaintiffs.

ORDER

Heard on the application filed under Order 39 Rules 1 & 2 read with Section 151 CPC for grant of Temporary Injunction/Ad-Interim Injunction in favour of applicant/plaintiff by directing the defendant for immediate removal of video titled “Bhajdia nu Vahan Eko Jiha Hunda Aa Mitra” uploaded on 15.05.2024 on his social media account i.e. FACEBOOK and further, restraining the defendant/respondent, their agents, servants, and partners, from publishing circulating, sharing, airing, or making any defamatory remarks or remarks that are prejudicial to the interests of plaintiffs/applicants and for directing defendant to remove all the defamatory content published by him against plaintiff/applicants and for directing the defendant to publish an unconditional public apology in favour of plaintiff/applicant or in any other manner, till the pendency of present suit.

2. Brief facts stated in application are that plaintiff no.1 is Editor-in-Chief, Yadwinder Singh and plaintiff no.2 is the news channel PRO Punjab TV. Plaintiffs are aggrieved by the actions of defendant who with ulterior motives has maligned and tarnished the reputation of plaintiff by uploading a video, wherein, he has deliberately raised derogatory remarks against plaintiff who is renowned journalist and reporter and has worked in prestigious media houses and news channels. The defendant is popular political leader and at present Member of Parliament in Lok Sabha being candidate of Congress Party from Ludhiana constituency. He is well aware of the fact that plaintiff has immense following and viewers among masses. The video with defamatory remarks has been deliberately made being

vindictive for not rendering undue benefits and advantages to defendant to help improve his image during recent election campaign. It is further stated that on 15.05.2024, defendant has posted a video on its Facebook page titled **“Bhajdia nu Vahan Eko Jiha Hunda Aa Mitra”** containing defamatory statements against plaintiffs and CD of the same is attached. Further stated that after the uploading of malicious video, the plaintiff no.1 has received hundred of calls from people across country questioning him about his conduct and actions. The said uploaded video has prompted multiple negative comments from viewers against plaintiffs, further damaging their reputation. Subsequently on 04.06.2024, plaintiff no.1 has issued a legal notice to defendant qua alleged defamatory video clip, demanding that defendant shall issue a written apology to plaintiffs and said notice has been delivered to defendant but no further reply has been received nor the video has been removed from the social media account of defendant. Hence, the present suit and application.

3. Ld. counsel for applicants/plaintiffs Sh. Amritpal Singh Sandhu has argued that they have placed on file the transcript and CD of said video along-with copy of legal notice served upon defendant. Further argued they have also placed on file the screen shots of the comments uploaded under said videos by the viewers which clearly reflect the negative comments being posted against plaintiff. Counsel has specifically pointed to one of the comment, wherein, it is mentioned “boycott PRO...Raja Warring Jindabad” and other comment goes like “Yadwinder is controlled by Bhagwant Mann Government and meant only for publicizing the government adds”. Another comment is “Pro Punjab is a comrade channel and it is under the control of BROOM party and Yadwinder is also part of them”. The

counsel has stated that said comments clearly reflect that this video has tarnished the image of plaintiffs in the public and demolished the reputation of plaintiff no.1 which he has earned with his hardwork. Further argued that said statements have been made in a reckless manner, without any factual verification, in order to tarnish the reputation of plaintiff. Further argued that if defendant is not restrained from publishing circulating, sharing, airing, or making any defamatory remarks or remarks that are prejudicial to the interests of plaintiffs/applicants or remove all the defamatory content then it shall cause irreparable loss to the position and reputation of plaintiffs. Lastly, prayed that application be allowed in the interest of justice.

4. After considering the contentions of the counsel for applicants/plaintiffs and going through the material on record, I am of the considered opinion that the contents of video and the comments posted by viewers on said video are prima facie defamatory and further a continuing wrong has larger impact on the reputation of a person which he possesses in the society and in the eyes of his acquaintances. Though Article 19 (1) (a) of Constitution of India gives a fundamental right to speech and expression yet it is circumscribed with certain reasonable restrictions and it does not grant absolute/inchoate right to damage the reputation of another. Therefore, a balance has to be maintained between fundamental rights and the reasonable restrictions imposed thereupon. Further the purpose of filing the present suit will be defeated if no ad interim injunction order is passed in favour of plaintiff at this stage. Accordingly, defendant is hereby restrained from issuing or publishing any defamatory, false, unverified/unauthenticated statements on his social media account in physical form or electronic form by use of Internet portal against plaintiffs and further the video in question shall

be suspended by defendant from his social media account till further orders.

Notice of suit as well as application be issued to respondents/defendants for **03.12.2024** Plaintiffs are directed to obtain dasti summons and to procure the service of respondents/defendants for the date fixed. Plaintiffs are also directed to deliver to the opposite party or to send by registered post immediately a copy of application along with a copy of affidavit filed in support of application, copy of plaint and copy of documents relied upon by the plaintiffs. Compliance of Order 39 Rule 3 CPC be also made immediately, failing which this order shall stand vacated automatically.

Dated: 06.11.2024

Vikas Kohli

Judgment Writer

(Directly Dictated)

(Manpreet Kaur-II)

Addl. Civil Judge (Sr. Division)

SAS Nagar (Mohali)

UID No.PB0403