

HIGH COURT OF MADRAS

Date of Decision: 6.03.2024.

Bench: JUSTICE N.SATHISH KUMAR

C.S.No.60 of 2021

SEVA BHARATHI, TAMILNADU ...PLAINTIFF

VERSUS

Surendar @ Naathikan ...DEFENDANT

Legislation and Rules:

Order IV Rule 1 of Original Side Rules 1956

Order VII Rule 1 of CPC

Subject: Civil suit for damages and injunctive relief against defamatory statements and a mandatory injunction for a public apology made by the defendant on social media.

Headnotes:

Defamation and Damages Claim – Social Media Allegations – Suit filed by the plaintiff, a charitable trust, against defamatory statements made by the defendant on YouTube regarding alleged involvement in a murder – Plaintiff claims reputational harm and seeks monetary compensation. [Paras 1-2, 5-6]

Evidence and Testimonies – Plaintiff's evidence substantiated by witness testimonies and exhibits (Ex.P1 to Ex.P9) including a compact disc with 65B certificate – No denial or counter-argument by the defendant, who remained ex parte. [Paras 3, 5]

Monetary Compensation Granted – Court awards Rs.50,00,000/- as damages to the plaintiff for reputational harm caused by defendant's false allegations – Emphasis on the malicious and defamatory nature of statements against the plaintiff. [Para 6]

Permanent Injunction and Freedom of Expression – Court decrees permanent injunction against the defendant from making defamatory posts and comments on social media platforms – Remarks on misuse of freedom of expression and need to discourage blackmail via social media. [Paras 7-8]

Decision – Suit decreed in favor of the plaintiff with damages of Rs.50 lakhs and costs, interest at 7.5% if not paid within one month, and permanent injunction granted. [Para 8]

Referred Cases: None.

Representing Advocates:

Mr. S. Ravi, Senior Counsel for M/s.Gupta and Ravi for Plaintiff.

Defendant set ex parte.

JUDGMENT

This suit has been filed for damages of Rs.1,00,01,000/- and for permanent injunction restraining the defendant from posting any messages that are defamatory or in the nature of threat against the plaintiff and further for mandatory injunction directing the defendant to issue a public apology to the plaintiff in any national newspaper.

2.The brief facts of the case of the plaintiff is as follows:

It is the case of the plaintiff that the plaintiff is a charitable trust engaged in rendering yeoman service for the poor and needy belonging to all sections of the society. It runs various educational and other charitable institutions which provide education and relief to destitute women and the needy. The plaintiff has got a very good reputation in the society. When the matter stood thus, the defendant with a malafide intention telecasted a video in Youtube during the first week of July 2020 under the banner of Karuppar Desam, wherein, the defendant has made completely false, baseless and defamatory allegations against the plaintiff with regard to the alleged murder of two persons inside the police station. It is further stated and alleged in the video,

as if, the plaintiff is supported by RSS and he may aim to eliminate the Christianity religion and therefore, the murder has took place and it is further alleged that the plaintiff had deliberately conspired and murdered Mr.Jayaraj and Mr.Bennix, because they belong to Christianity. It is also the case of the plaintiff that the statement and allegations made in the video, is, in fact, is nothing but incitement against the entire Christian community. The plaintiff was portrayed in a bad light in the eye of public. The statement has come up as if the plaintiff has conspired and murdered Mr.Jayaraj and Mr.Bennix, that too in the police custody. Hence, the plaintiff filed the suit claiming damages.

3. Defendants remained *ex parte*, despite service of summons. On the side of the plaintiff, the plaintiff examined himself as P.W.1 and Ex.P.1 to Ex.P.9 were marked.

P.W.1 – Mr.Rabu Manohar

S.No.	Date	Description of documents	Exhibit
1.	-	Pamphlet issued by the plaintiff	P-1
2.	-	Pamphlet issued by the plaintiff	P-2
3.	-	Pamphlet issued by the plaintiff	P-3
4.	-	Pamphlet issued by the plaintiff	P-4
5.	-	Booklet issued by the plaintiff	P-5

6.	-	Extract of the Tamil Speech made by the defendant in Youtube under the banner of Karuppar Desam along with the Compact Disc	P-6
7.	31.08.2020	Legal notice issued to the defendant along with AD card	P-7
8.	14.09.2022	Letter from the defendant to the plaintiff counsel	P-8
9.	19.10.2020	Board Resolution of the plaintiff	P-9

4. Heard the learned senior counsel for the plaintiff and perused the records.

5. P.W.1, in his evidence, has clearly spoken about the nature of the allegations pressed against the plaintiff by the defendant in the social media platform namely Youtube. To substantiate, Compact Disc along with 65B Certificate is also filed before this Court. The nature of the statement targeted against the plaintiff, published and telecasted in social media is not even denied by the defendant. The very conduct of the defendant remaining absent indicate that the allegations as against the defendant has not been traversed nor denied in the pleadings. Ex.P6 is filed to substantiate the

allegations made against the plaintiff and were circulated in social media, particularly, when custodial murders of two persons happened and there was a public agitation about the particular incident. When the public were already agitating in respect of custodial death of two persons in police custody, circulating such false allegations without any semblance of truth and portraying the plaintiff in a bad light in the eye of public is nothing but clear case of defamation with a malafide intention. Further, portraying the plaintiff in the eye of public as if he is acting against one particular community is nothing but malicious statement which certainly tarnish the image of the plaintiff.

6. Such view of the matter, this Court is of the view that the plaintiff is certainly entitled for claiming damages. Though the exact amount of damages in terms of monetary damages cannot be ascertained portraying the plaintiff in a bad light with allegations that their aim is only to eliminate the Christian community is nothing but serious allegations which not only causes damage to reputation but will have a serious impact in the very activity of the trust. Such view of the matter, though the nature of damages is immeasurable, considering the nature of the statement circulated in Youtube in the form of interview, the plaintiff is certainly entitled to monetary compensation for a sum of Rs.50,00,000/- which shall be paid by the defendant.

7. Merely, under the pretext of freedom of expression, one cannot make interview intruding the privacy of others, the Law does not give such absolute license to the Youtubers and the social media to spoil the reputation of others. Therefore, this Court cannot shut its eyes when such false allegations are circulated targeting innocent persons. Circulating statements

nowadays used as a tool to black mail the people. These things cannot be encouraged, unless it is discouraged in the initial stage, there will not be an end and every black mailer may use the social media platform to blackmail others by spreading false and unnecessary news.

8. Accordingly, the suit is decreed for damages of Rs.50 lakhs with costs as against the defendant and the same shall be paid within a period of one month failing which the suit amount shall carry interest @ 7.5% and further, a decree of permanent injunction is also granted as sought for by the plaintiff.

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