

OS 6211/2023

Case is called out.

Heard arguments of Sri.Udaya Holla learned Senior Advocate appearing on behalf of learned Advocate for plaintiff. The sum and substance of the case of the plaintiff is that the Defendant No.1 is posting derogatory statements and materials against the products of the plaintiff company and due to the said act of the Defendant No.1 the business of the plaintiff company has substantially reduced. According to him, the said statements and materials posted in twitter (hosted by the Defendant No.2) are perse false and not justified one. According to him, the practice of the Defendant No.1 in making such publication is noting but cut throat competition with the products of the plaintiff company with sole intention to push the products of the Cipla and Alchem are promoted. He has relied upon the judgments of the Hon'ble Supreme Court, judgments of the Hon'ble High Court of Karnataka, Hon'ble High Court of Madras and Hon'ble High Court of Delhi regarding the consideration that a Court may have while dealing with the applications like IA No.1 and 2 of 2023. A reading of the said judgments would sensitize one as to the gravity of the consequences of such materials being posted on the platform like the one noted supra. The judgments also indicate that there is a need to issue ad-interim ex-parte injunction directing the party who is posting such materials to remove them at

the earliest so as to minimize the damage caused to the person who is affected by such postings in any manner like loss of reputation, loss of income in monetary terms and disservice to the consumers who are benefited by the products like Liv-52.

In view of the facts presented by the plaintiff company and also in view of the law declared in various judgments relief on by learned Senior Advocate, the facts of the case warrant that the notice against the Defendants before granting ad-interim order has to be dispensed with. In other words, the urgency made out by the plaintiff company would show that an immediate order has to be passed as sought for in IA No.1 and 2 of 2023 before issuing notice against the Defendants.

In the facts and circumstances issue ad-interim ex-parte temporary injunction order restraining the Defendant No.1 from tweeting, making or publishing, re-tweeting and re-publishing defamatory remarks against the plaintiff company and / or the products of the plaintiff company till next date of hearing.

In the facts and circumstances issue ad-interim ex-parte mandatory injunction directing the Defendant No.2 to suspend/block the social media handle of the Defendant No.1 bearing link "https://twitter.com/theliverdr?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor" till next date of hearing.

The Plaintiff shall comply the Order 39 Rule 3A CPC.

Issue suit summons and notice of this order and IA No.1 and 2 of 2023 against the Defendants No.1 and 2 returnable by **05-01-2024.**

VI ACC & SJ., B'luru