

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

O.A. Nos.1107 & 1108 of 2025 & A.No.5922 of 2025

in C.S. (Comm.Div.) No.302 of 2025

Nannir Water Source LLP

.. Applicant

VS

Syed Imran and others

.. Respondents

For applicant : Mr.Ramesh Ganapathy

ORDER

The contention of the applicant/plaintiff is that they are the firm registered with the Registrar of Companies on 29.12.2021. They are engaged in the manufacture of machinery and equipment and they are dealing with developing, manufacturing, supplying, installing and servicing water treatment/conditioning systems, including but not limited to devices based on technologies which address the issues of hard water, high total dissolved solids, saline water, scale formation and

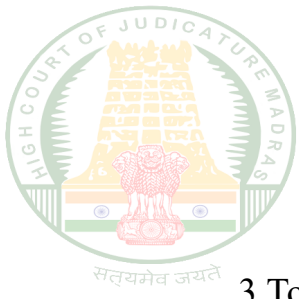


water quality in various sectors, such as domestic, industrial, agricultural etc.

According to them, their product is eco-friendly, electricity-free, requires minimal
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maintenance. They have been proactive in protecting their intellectual property rights over the said product and being the proprietor of the trade mark 'NANNIR', they have filed Trade Mark Application bearing Application No.5354209 on 03.03.2022 under Class 9 and the said mark is granted registration with Certificate No.3169775 dated 01.03.2023.

2.Learned counsel for the applicant/plaintiff would submit that the applicant/plaintiff came to know the video published by the first respondent on YouTube, the third respondent on 25.05.2025, in the first respondent's channel 'Buying Facts' in which the first respondent purported to review the applicant's product in <https://youtu.be/-rEJsekTayI?si=VR8U-ByqKkZAmiDB>. The malicious and misleading statements made by the first respondent have created unwarranted doubts in the minds of the public regarding the efficacy of the applicant's product, thereby causing consumers to hesitate in purchasing the same, which is evident from the comments of the impugned video.



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3.To strengthen his argument, learned counsel for the applicant relied upon a judgment dated 15.01.2020 passed by the Bombay High Court in the case of Marico Limited vs. Abhijeet Bhansali, which is extracted hereunder:

‘In view of the above, I am of the opinion that the Defendant had no reason to believe that the statements he was making were the truth since there is no material produced in respect of the PARACHUTE COCONUT OIL to demonstrate that such a belief was even possible; that the statements have been made with recklessness and without caring whether they were true or false. Neither the test conducted by the Defendant in his Impugned Video, nor the articles sought to be relied upon by the Defendant indicate that the statements made and published by the Defendant are true or that any reasonable person could on the basis of such test or articles have believed that the statements constitute the truth or that there is a reasonable possibility of the statements being believed to be true. The Impugned Video made by the Defendant therefore reeks of malice and I have no difficulty in holding that the first two requirements to make out a case for disparagement / slander of goods as stated in paragraph 17.1 hereinabove have been made out.’

4.Relying upon the above judgment, learned counsel for the applicant/plaintiff would submit that the Bombay High Court has held that the fundamental right to freedom of speech and expression are not unfettered rights. While it is absolutely



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necessary to maintain and preserve the freedom of speech and expression, it is equally necessary to have some restrictions on the freedom of speech and expression for the maintenance of social order in democracy. Since no freedom can be absolutely unlimited, [Article 19\(2\)](#) of the Constitution of India provides the grounds on which reasonable restrictions on the freedom of speech and expression can be imposed. It is not in dispute that commercial speech is a part of the fundamental right guaranteed under [Article 19\(1\)\(a\)](#) of the Constitution of India, however, it cannot be that the fundamental right so guaranteed under the Constitution can be abused by any individual by maligning or disparaging the product of others.

5. Learned counsel for the applicant/plaintiff would further submit that the applicant's right to carry on their lawful trade and business is protected under Article 19(1)(g) of the Constitution of India and the false, misleading and disparaging statements published by the first respondent in the impugned video directly interfere with and obstruct the fundamental right of the applicant. Therefore, he would submit that if interim injunction is not granted to the applicant, they will be put to irreparable loss and hardship.

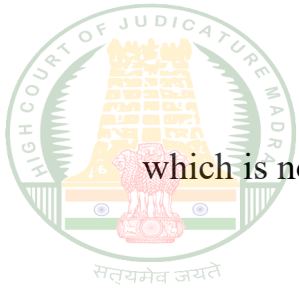


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6. Since the first respondent's act of publishing false statements would amount to an unreasonable restriction on the freedom of trade of the applicant and the same is also violative of the constitutional rights guaranteed under Article 19(1)(g) of the Constitution of India and the first respondent's defamatory and disparaging conduct would not only injure the applicant's reputation and goodwill, but also would adversely affect the applicant's business prospects and commercial standing in the market and therefore, the same have to be protected.

7. Since the applicant/plaintiff has made out a prima facie case and the balance of convenience and irreparable hardship have also been established, this Court is of the view that the applicant/plaintiff would be put to irreparable loss, if interim injunction is not granted.

8. Accordingly, there shall be an order of interim injunction as prayed for in O.A. Nos. 1107 & 1108 of 2025. Notice to the respondents returnable by 17.12.2025. Order XXXIX Rule 3 of C.P.C. to be complied with. Post the matter on 17.12.2025. The third respondent is directed to remove the video with regard to the applicant,

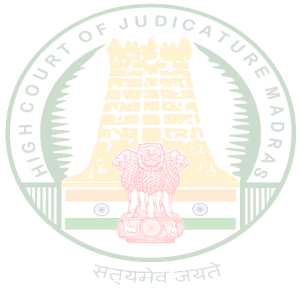


which is now available in their platform.

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