

Reserved on : 13.06.2025

Pronounced on : 25.06.2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.13365 OF 2025 (GM - CPC)

BETWEEN:

- 1 . MR.RACHAPPA SATHISH KUMAR
S/O RACHAPPA
AGED ABOUT 46 YEARS,
AUTHORIZED SIGNATORY AND DIRECTOR,
M/S.BTV KANNADA PRIVATE LIMITED
RESIDING AT NO.14/4, 2ND FLOOR,
13TH CROSS, 8TH MAIN ROAD, MALLESHWARAM,
BENGALURU – 560 003.
- 2 . M/S BTV KANNADA PRIVATE LIMITED
CORPORATE OFFICE AT NO. 15,
1ST MAIN ROAD, J LINGAIAH ROAD,
SHESHADRIPURAM,
BENGALURU – 560 020.
REPRESENTED BY ITS
DIRECTOR AND AUTHORIZED SIGNATORY
MR. RACHAPPA SATHISH KUMAR
S/O RACHAPPA
AGED ABOUT 46 YEARS
INCORPORATED COMPANY REGISTERED

UNDER COMPANIES ACT.

... PETITIONERS

(BY SRI D.R.RAVISHANKAR, SR.ADVOCATE A/W
SRI KASHINATH J.D., ADVOCATE)

AND:

- 1 . M/S.EAGLESIGHT MEDIA PRIVATE LIMITED (ESMPL)
CHAIRMAN AND DIRECTOR
MR. ASHWIN MAHENDRA
AGED ABOUT 35 YEARS,
RESIDING AT NO. 301/10,
36TH CROSS, 7TH 'C' MAIN ROAD,
JAYANAGAR 4TH BLOCK,
BENGALURU – 560 011.
- 2 . GOOGLE LLC
UNIT NO. 26, THE EXECUTIVE CENTRE,
LEVEL 8, DLF CENTRE, SANSADMARG,
CONNAUGHT PLACE,
NEW DELHI – 110 001.
REPRESENTED BY ITS EDITOR-IN-CHIEF.
- 3 . META PLATFORMS INC.
UNIT 28 AND 29,
THE EXECUTIVE CENTRE,
LEVEL 18, DLF CYBER CITY, BUILDING NO. 5,
TOWER A, PHASE III,
GURGAON-122 002, INDIA.
REPRESENTED BY ITS CHIEF EDITOR.
- 4 . FACEBOOK INDIA
UNIT NOS. 1203 AND 1204,
LEVEL 12, BUILDING NO. 20,
RAHEJA MINDSPACE, CYBERABAD,
MADAPUR, HITECT CITY,

HYDERABAD – 560 081.
REPRESENTED BY ITS CHIEF EDITOR.

- 5 . YAHOO INDIA TORREY PINES'
EMBASSY GOLD LINKS BUSINESS PARK,
OFF INDIRANAGAR-KORAMANGALA,
INTERMEDIATE RING ROAD,
BENGALURU – 560 071.
REPRESENTED BY ITS EDITOR-IN-CHIEF.
- 6 . YOUTUBE LLC
RESIDENT GRIEVANCE OFFICER FOR YOUTUBE
GOOGLE LLC-INDIA LIAISON OFFICE UNIT NO. 26,
THE EXECUTIVE CENTER, LEVEL 8,
DLF CENTRE, SANSAD MARG,
CONNAUGHT PLACE,
NEW DELHI – 110 001.
REPRESENTED BY ITS CHIEF EDITOR.
- 7 . M/S. WHATS APP
FLAT NO. 1, 3RD FLOOR,
1BHK, PINK ROSE APPT. SARFABAD,
SECTOR-23,
GAUTAM BUDDHA NAGAR – 201 301, UP.
REPRESENTED BY ITS CHIEF EDITOR.
- 8 . TWITTER INDIA
RMZ INFANTRY, B, OLD MADRAS ROAD,
SADANANDANAGAR,
BENNIGANAHALLI, BENGALURU – 560 010.
REPRESENTED BY ITS EDITOR-IN-CHIEF.
- 9 . INSTAGRAM
UNIT NO. 28 AND 29,
THE EXECUTIVE CENTER,
LEVEL 18, DLF CYBER CITY,
BUILDING NO. 5, TOWER A, PHASE II,
GURGAON – 122 002.

REPRESENTED BY ITS CHIEF EDITOR.

... RESPONDENTS

(BY SRI K.N.PHANINDRA, SR.ADVOCATE A/W
SRI ARNAV A.BAGALWADI, ADVOCATE FOR R-1;
SRI VARUN PATHAK, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS PERTAINS TO O.S. NO. 2499/2025 PENDING ON THE FILE OF LIX ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY, BENGALURU; QUASH THE ADD-INTERIM INJUNCTION PASSED IN O.S. NO. 2499/2025 DATED 04.04.2025 AND CORRECTED ON 07.04.2025 PENDING ON THE FILE OF LIX ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY, BENGALURU AS PER ANNEXURE-A AS ILLEGAL CONSEQUENTLY PASS AN ORDER TO DISMISS I.A. NO. II FILED BY THE 1ST RESPONDENT/PLAINTIFF IN O.S. NO. 2499/2025 TO MEET THE INTEREST OF JUSTICE.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 13.06.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioners are before this Court calling in question an order dated 04-04-2025 and corrected order dated 07-04-2025 passed by the LIX Additional City Civil and Sessions Judge, Bengaluru City in O.S.No.2499 of 2025 issuing ad-interim ex-parte Temporary Injunction restraining the defendants in the suit from airing the programme of the 2nd petitioner.

2. Heard Sri D.R. Ravishankar, learned senior counsel appearing for the petitioners, Sri K.N.Phanindra, learned senior counsel appearing for respondent No.1 and Sri Varun Pathak, learned counsel appearing for respondent 4.

3. Facts, in brief, germane are as follows:-

The 1st petitioner is a journalist by profession and is said to be running a social media in the logo Btv Kannada for broadcasting and publication. The 1st petitioner is one of the Directors of the 2nd petitioner-M/s Btv Kannada Private Limited ('the Company' for short). The Company earns revenue out of the social media page

on the logo Btv Kannada. The social media page was suddenly blocked and removed in the 3rd week of April, 2025 by all social media platforms through their social media Administrator without any reference, but vaguely referring to an order of the civil Court. It is then, the petitioners went in search of the said civil suit and come to know that there was a suit in O.S.No.2499 of 2025 instituted by rival claimant against whom several litigations are pending and in the said suit there is an order of restraint of use or airing of Btv Kannada in their respective social media page. Calling in question the order dated 04-04-2025 passed by the concerned Court, the petitioners are before this Court on the score that ad-interim injunction is granted under Order XXXIX Rule 1 and 2 by the civil Court without even making the petitioners, a party, while making every other social media platform a party.

4. The learned senior counsel Sri D.R.Ravishankar appearing for the petitioners would vehemently contend that the plaint averments if noticed it is full of allegations against the petitioners. A restraint order is secured at the hands of the concerned Court by pleading everything that was against the petitioners which the

petitioners were to defend. Therefore, there is violation of principles of natural justice and violation of Order XXXIX Rule 3 of the CPC, is the submission of the learned senior counsel.

5. Per contra, the learned senior counsel Sri K.N. Phanindra representing the 1st respondent/plaintiff takes this Court through an earlier litigation of the year 2022 in which the 2nd petitioner has suffered a restraint order. He would submit that this is only a continuation of that restraint order. These petitioners need not have been parties before the concerned Court, as the prayer that was sought in the suit was to restrain social media platforms from a particular action. It did not concern these petitioners. Therefore, on the ground that they were not made parties, the order cannot be interfered with.

6. I have given my anxious consideration to the submissions made by the respective learned senior counsel and have perused the material on record.

7. The 1st petitioner is a journalist and the averment is that he is journalist of a considerable repute. The 2nd petitioner is the registered company under the Companies Act, 2013 incorporated in the name and style of Btv Kannada Private Limited. The dispute between the 1st respondent and the petitioners galore. A suit in O.S.No.584 of 2022 is instituted by the 1st respondent where the 2nd petitioner is made a party/defendant and an interim injunction is obtained in favour of the plaintiff. The matter has travelled up to the Apex Court, where it is stated to be pending consideration of the orders that were passed in O.S.No.584 of 2022. Yet another suit is filed by the 1st respondent in O.S.No.7854 of 2022 seeking damages of ₹29/- crores in which the 2nd petitioner/Company and its earlier Directors are made parties. In both the civil suits aforesaid, which are instituted by the 1st respondent, the 2nd petitioner is arrayed as a defendant with several allegations. Writ petitions before this Court are also filed with regard to trade mark violations *inter alia* and are pending.

8. When things stood thus, it appears the 1st respondent files O.S.No.2499 of 2025 in which there are 8 defendants viz., (i)

Google LLC; (ii) Meta Platforms Inc.; (iii) Facebook India; (iv) Yahoo India Torrey Pines; (v) YouTube LLC; (vi) M/s Whats App; (vii) Twitter India; and (viii) Instagram. The contention of the petitioners is, 2nd petitioner in particular is not made a party, while the entire narration is on the 2nd petitioner. It, therefore, becomes necessary to notice the plaint averments. They read as follows:

"....

3. It is submitted that the plaintiff is the Chairman and Director of the Company by name M/s Eaglesight Media Private Limited, for which the Managing Director and another Director is one Mr. Gangadharappa Munindra Kumar @ G.M. Kumar. The said plaintiff Company in short (ESMPL) is the actual owner of Btv Kannada News Channel and also owns the Trademark certificates for its Logos and Contents and this Managing Director/Director who proclaimed himself to be an ace journalist started misappropriating funds of the plaintiff company and floated two dubious companies by name M/s EAGLESIGHT TELEMEDIA PRIVATE LIMITED and M/s Btv KANNADA PRIVATE LIMITED which are the root cause for doing YELLOW JOURNALISM and are misusing the LOGOS and contents of the Plaintiff Company and time and again attempting to loop the Plaintiff company into one or the other cases which is time and again becoming a trauma for the Plaintiff Company and its Chairman receiving one or the other Legal Notices from persons who are being targeted by the two dubious companies which are doing defamatory programmes by misusing the logos of Btv Kannada News Channel Owned by the Plaintiff Company. Certified copies of the trade mark certificates marked in O.S.No.7854 of 2022 along with colour copies are enclosed as per "**Documents 1 to 3**".

4. The Plaintiff submits that, the above-named defendants were informed through Notices and reminders

informing them not to PROVIDE PLATFORMS TO EAGLESIGHT TELEMEDIA PRIVATE LIMITED or BTv KANNADA PRIVATE LIMITED and also to BLOCK THE CONTENTS SHARED BY THE ABOVE TWO COMPANIES MISUSING THE CONTENTS HAVING THE LOGOS OF THE Btv through their platforms such as Facebook, You Tube etc., copy of the Special Notification issued by the Plaintiff Company, copy of the legal notices and reminders issued to the defendants companies are enclosed as per "Documents 4 to 6".

5. The plaintiff submits that, even after issuance of such notices and reminders, the above-named Defendants are allowing the two dubious companies to telecast their programmes through the medium of the Defendants and which are being defamatory in nature and such people against whom such programmes are made by the two dubious companies are issuing Legal Notices to the Plaintiff Company in the name of Chairman/Director who is remotely not aware of any of these programmes. Three legal notices received by the plaintiff company from three different parties are enclosed as **"Documents 7 to 9"**.

6. The plaintiff submits that, it has become a menace to the plaintiff in giving reply notices to every person who is sending such Legal notice making Plaintiff company and its Director/Chairman as party (who is innocent) to make the person know the situation and begging him to delete the Plaintiff as a party from any such case, where they went to prosecute the plaintiff company. Copy of the reply notice given by the plaintiff to every person who has issued legal notices against him are enclosed as per **"Document No. 10 to 12"**.

7. It is submitted that if the Defendants stop giving their medium as support to the programmes what the two dubious companies are telecasting, this will act as a permanent solution for the Plaintiff Company and also the Defendants in one or the other way legally recognizing the Logo certificates issued to the plaintiff company by the Trade Marks Registry, Government of India.

8. If the Defendants are not restrained with an Injunction Order, the Plaintiff company and its Chairman will be put to

great hardship and loss and also his fundamental right of life will seriously get affected due to the Defamatory notices which are served against him for no fault committed by him.

10. The two dubious Companies M/s Eaglesight Telemedia Private Limited and M/s Btv Kannada Private Limited with the sole intention to increase their TRPs are indulging in the act of publishing and telecasting the news without evaluating the resultant damage to the reputation of the person/s involved.

11. It is submitted that the act and omissions of the two dubious Companies M/s Eaglesight Telemedia Private Limited and M/s Btv Kannada Private Limited are volatile of all the norms and cannons of responsible journalism. Such conduct has been actuated by malice, against the Plaintiff. The act of the two dubious Companies M/s Eaglesight Telemedia Private Limited and M/s Btv Kannada Private Limited tantamount to blatant scandal mongering and are per se defamatory and they seek to derogate the Plaintiff and harm his impeccable reputation in the public estimation. The Defendants have specifically failed to abide by the minimum moral standards of ethics even after receiving the Notices. There is complete failure to comply with the etiquette and ethical standards expected from them.

12. It is submitted that the Plaintiff is living in a society which is far ahead in technology and it would not be a difficult task to the two dubious Companies M/s Eaglesight Telemedia Private Limited and M/s Btv Kannada Private Limited to telecast/publish the alleged morphed recording to earn TRPs. However, if the other Defendants are allowed to do so, then the same would result in loss of reputation of the Plaintiff and would have far reaching consequences.

13. It is submitted that the freedom of speech guaranteed under Article 19 does not mean absolute right to say or write or telecast anything without regard to any person's honour and reputation. It is humbly submitted that the so-called unrestricted Freedom to the media houses as well as web

portals will have large and irreversible negative impact on the life of thousands.

14. it is submitted that, if the Defendants do not honour the request of the plaintiff, the two dubious Companies M/s Eaglesight Telemedia Private Limited and M/s Btv Kannada Private Limited will create contents and make defamatory programmes by misusing the logos of the plaintiff company, and when uploaded through the Defendants platforms, the Plaintiffs' reputation would again hit rock bottom. If such programmes are given platforms by the Defendants, it will result in irreparable damage to the respect, honour, dignity and status of the plaintiff in the society.

The Web Portal misused by the two Dubious Companies through which programmes are being uploaded are provided as under:

1. Facebook Page ID – 798350103528874, page created July, 2014
<https://facebook.com/btvnewslive/>
("Document No.13" is enclosed for the kind perusal of this Hon'ble Court).
2. YouTube Channel joined 25th May 2016
<https://goo.gl/7dTDOS>
www.youtube.com/@Btvnewskannada
("Document No.14" is enclosed for the kind perusal of this Hon'ble court).
3. X (Twitter) joined May 2014 – x.com/btvnewslive
("Document No.15" is enclosed for the kind perusal of this Hon'ble Court).
4. Instagram joined April 2015 – "btvnews"
<https://www.Instagram.com/btvnews/?igsh=YwRmanJ2M W10dGs>
("Document No.16" is enclosed for the kind perusal of this Hon'ble Court).
5. Website – <https://btvkannada.com>
(GOOGLE IS PROVIDING THE PLATFORM)

6. WhatsApp No. – 9731406666
(WHEN CHECKED IN TRUE CALLER THIS NUMBER IS SHOWN AS Btv TV).
7. Google+ “plus.google.com/btvnewslive”
(GOOGLE IS PROVIDING PLATFORM)

Copy of the MINISTRY OF INFORMATION AND BROADCASTING RTI REPLY LETTER IS ENCLOSED AS PER “**DOCUMENT NO.17**”.

15. It is submitted that the plaintiff would suffer severe defamation, harassment and mental agony at the hand of the said two dubious Companies M/s Eaglesight Telemedia Private Limited and M/s Btv Kannada Private Limited who are using the platforms of the Defendants.

16. The plaintiff submits that, if this suit is decreed no hardship will be caused to the Defendants and on the other hand if the prayer is rejected the two dubious Companies M/s Eaglesight Telemedia Private Limited and M/s Btv Kannada Private Limited will have the opportunity to ruin all dignity and respect earned in the several years of service by the Plaintiff.

... ..
...”
(Emphasis added)

A perusal at the entire plaint averments would clearly indicate that every paragraph is dedicated for making allegations against the 2nd petitioner. All the litigations between the two are narrated. On the basis of the said pleadings what is the prayer that is sought is necessary to be noticed. It reads as follows:

“WHEREFORE, in the light of the above stated facts, it is most humbly prayed that this Hon’ble Court be pleased to pass a judgment and decree for Prohibitory Injunction

- (1) Restraining the Defendants or any other persons claiming under them, from providing platform to the two dubious Companies M/s Eaglesight Telemedia Private Limited and M/s Btv Kannada Private Limited in posting or circulating programmes by misusing the Logos and Trademarks which belong to the Plaintiff company or expressing in any manner anything in which the Logos of Btv Kannada News Channel appear by granting Prohibitory Injunction.**
- (2) Direct the Defendants herein to forthwith suspend/delete the links/pages provided in their platforms, to these two dubious Companies M/s Eaglesight Telemedia Private Limited and M/s Btv Kannada Private Limited as they are misusing the trademark of the plaintiff herein, though these two dubious companies are not permission holders in respect of any private TV Channel, which is confirmed by the Ministry of Information and Broadcasting, Government of India."**

(Emphasis added)

The prayer is to restrain the defendants who are noticed hereinabove from providing platform to two dubious companies – (i) M/s Eaglesight Telemedia Private Limited and (ii) M/s Btv Kannada Private Limited. The 2nd prayer is to direct the defendants to forthwith suspend/delete the links/pages provided in their platforms, as the 2nd petitioner is said to be misusing the trade mark of the 1st respondent. Based upon the plaint averments, the concerned Court passes an order on an application under Order

XXXIX Rule 1 CPC granting temporary injunction. The order reads as follows:

"ORDERS ON I.A.II

The plaintiff has filed this suit against the defendants seeking the relief of Permanent Injunction restraining the defendants from providing Platform to the two dubious Companies M/s.Eaglesight Telemedia Private Limited and M/s.Btv Kannada Private Limited in posting or circulating programmes by misusing the Logos and Trademarks which belong to the plaintiff company.

As could be seen from the plaint averments it appears that, the plaintiff is the Chairman and Director of M/s.Eaglesight Media Private Limited, who is actual owner of Btv Kannada News channel and also owns trade mark Certificate its Logos. Such being the case one of its Director by name Mr.Gangadharappa Munindra Kumar @ G.M.Kumar proclaimed himself as ace journalist, who started misappropriating funds of plaintiff company and also using Logos of the company and Btv and he time and again attempting to loop the plaintiff company into one or other cases by targetting two dubious Companies which are doing defamatory programmes by misusing Logos of Btv Kannada News Channel and he has filed civil suit in O.S.No.7854/2022, which is pending before this court for consideration. Since the defendant No.1 to 8 Plat forms have circulating various defamatory news and articles against the persons. Therefore, the plaintiff issued Notice to the defendants for not provide platform to the said dubious companies in posting and circulating any programs by misusing Logos and Trademarks of the plaintiff company.

Inspite of which the defendant one or other day are circulating the programmes. Therefore, the plaintiff has filed the present suit to restrain the defendant No.1 doing such acts.

Along with suit, the plaintiff has filed I.A.No.2 application U/o.39 Rule 1 and 2 CPC to restrain the defendants from

providing plat form to two dubious companies and in circulating programs by misusing Logos and trade mark which are belong to the plaintiff.

Along with the suit the plaintiff has produced as many as 9 documents, such as certified copies of trade mark certificate, Legal notices, reply notice, Defendants URL address Etc.

I have carefully gone through the plaint averments and also the contents of prayer No.2 of the application. At this stage the plaintiff has made-out prima-facie case for trial. If exparte injunction order is not granted the very purpose of the suit will be frustrated and it will lead to multiplicity of proceedings. At this stage the apprehension of the plaintiff cannot be ruled-out by considering all these aspects of the case on hand I feel it is just and necessary to dispense with the Notice of I.A.No.2 and to inject the defendants No.1 to 8 from providing plat form to the companies by name M/s.Eaglesight Media Private Limited from posting or circulating any programs by misusing Logos and Trademark of the plaintiff. With these reasons I proceed to pass the following:

ORDER

Issue ad-interim ex-parte Temporary Injunction against the defendants as sought in I.A.No.2 till next date of hearing.

Plaintiff shall have to comply the provisions of 39 Rule 3(a) of CPC.

After compliance and after paying sufficient P.F office is directed to issue certified copy of this order.

Issue suit summons along with Notice of I.A.No.2 to the defendants returnable by: 19.04.2025."

(Emphasis added)

Surprisingly, the order is corrected four days later on 07-04-2025.

While several allegations are made with regard to the correction,

but they appear to be typographical errors being corrected. Nonetheless, there is an ad interim *ex parte* temporary injunction on an application filed by the plaintiff. The order straight away affects the right of the petitioners. When the entire pleadings and the prayer are pointed against the petitioners, the concerned Court ought not to have granted an accused-interim temporary injunction restraining the defendants from acting in a particular manner, which would straight away affect the rights of the petitioners. It is trite that what had to be done directly, cannot be done indirectly. An indirect method of keeping the petitioners away by not arraying them as parties and filing the O.S.No.2499 of 2025 was itself a dubious step, on the part of the 1st respondent/plaintiff.

9. The submission of the learned senior counsel for the 1st respondent/plaintiff is that there was an injunction order. This order is in continuation of the said injunction order and it is not against the petitioners. The said submission is noted only to be rejected. The direct effect of the prayer that is sought was that the petitioners could not use their Btv logo in all social media platforms; it does not affect the social media platform but it affects

the 2nd petitioner. The social media platforms which are made as defendants are only intermediary. The right of the 2nd petitioner is what is taken away without hearing and without making 2nd petitioner a party. While it is the power of the Court to grant temporary injunction under Order XXXIX Rules 1 and 2 of the CPC, that cannot be granted against a person who is not even a party.

10. Temporary injunctions can be granted only against those who are made defendants in the suit. Restraint orders against third parties who are not made parties to the suit cannot be granted by any cannon of law. While litigants may make or may not make certain parties as defendants, though seeking a prayer against those persons, but, the concerned Court cannot blissfully ignore the law and pass the orders of the kind that is now passed. The plaintiff shall now implead the petitioners as defendants in the subject suit, failing which, no order can be passed against the petitioners at any point during the subsistence of the suit. The writ petition thus, deserves to succeed.

11. For the aforesaid reasons, the following:

ORDER

- (i) Writ Petition is allowed with cost of ₹50,000/- payable by the 1st respondent to the petitioners.
- (ii) The order dated 04-04-2025 passed by the LIX Additional City Civil and Sessions Judge, Bengaluru on I.A.II in O.S.No.2499 of 2025 and the corrected order passed thereto on 07-04-2025 are set aside *qua* the petitioners.
- (iii) All other contentions shall remain open. The plaintiff shall now implead the petitioners as defendants before the concerned Court.

Consequently, I.A.No.1 of 2025 also stands disposed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

bkp
CT:MJ