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C.S.No.28 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.03.2024**

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.28 of 2020

Sutherland Global Services Private Limited,
Having Office at Gateway Parks, B2, #16,
2nd Floor, GST Road, Perungalathur,
Chennai – 600 003, Tamilnadu

... Plaintiff

VS

Saneesh Mathew

... Defendant

Civil Suit filed under Order IV Rule 1 of High Court O.S. Rules 1956 read with Order VII Rule 1 of CPC for the following reliefs :

[a] Grant a decree directing the defendant to pay Rs.1,00,01,000/- to the plaintiff as damages for the defamatory video available in the link posted by the Defendant on the video platform Youtube and the cost of the suit.

[b] Grant a decree of permanent injunction restraining the defendant from issuing disseminating circulating and communicating the defamatory video available in the link on the Video sharing platform YouTube.

[c] Grant a decree of permanent injunction restraining the defendant from issuing, disseminating, circulating, communicating any defamatory,



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malicious, scandalous, statement[s], allegations, insinuation, either written or spoken, thereby amounting to libel, by way of publication of the same and/or slander against the plaintiffs, its directors, principal officers, agents, representatives, employees, servants, clients, business associates, business partners, by way of emails, letters, SMSs, social media posts, websites, newspapers print or electronic, or in any other manner whatsoever, to any third parties/ general public including but not limited to newspaper editors, journalists, clients, business associates / business partners of the plaintiff.

d] Allowing the plaintiff to realize the cost of the proceedings from the defendants and their assets.

For plaintiff : Mr.Rahul Balaji

For defendant : Set exparte

J U D G M E N T

This suit has been filed for the following reliefs :

[a] Grant a decree directing the defendant to pay Rs.1.00,01000/- to the plaintiff as damages for the defamatory video available in the link posted by the Defendant on the video platform Youtube and the cost of the suit.



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[b] Grant a decree of permanent injunction restraining the defendant from issuing disseminating circulating and communicating the defamatory video available in the link on the Video sharing platform YouTube.

[c] Grant a decree of permanent injunction restraining the defendant from issuing, disseminating, circulating, communicating any defamatory, malicious, scandalous, statement[s], allegations, insinuation, either written or spoken, thereby amounting to libel, by way of publication of the same and/or slander against the plaintiffs, its directors, principal officers, agents, representatives, employees, servants, clients, business associates, business partners, by way of emails, letters, SMSs, social media posts, websites, newspapers print or electronic, or in any other manner whatsoever, to any third parties/ general public including but not limited to newspaper editors, journalists, clients, business associates / business partners of the plaintiff.

d] Allowing the plaintiff to realize the cost of the proceedings from the defendants and their assets.

2. The case of the plaintiff is that the plaintiff has hired the defendant as its full time employee on 24.01.2011 and the defendant held the designation of Lead – IT Helpdesk in the service delivery department. The defendant was served notice as his services were no longer required in the programme he was deployed in and the plaintiff communicated to the



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defendant that 06.08.2018 would be his last day of employment in the plaintiff organization. Thereafter, the plaintiff was informed that a video was shared in the YouTube claiming that the applicant/plaintiff company has been booked for forgery in India and a further video has been shared in the 'YouTube claiming that the plaintiff had provided forged documents to the defendant. Further the defendant has along with the video shared a google drive with a copy of communication that he had with the plaintiff organisation and the complaints he has preferred before various authorities. Upon gaining knowledge of the video, the plaintiff approached YouTube to take down the video on account of the same being defamatory, YouTube responded stating that they will not be able to pull down the video unless they receive an Order from a Court directing removal. The defendant, if really aggrieved that he has been wrongfully terminated he may approach the labour Court or the appropriate authority with the grievance. However, uploading malicious information by the defendant clearly lowers the reputation of the plaintiff in the eyes of general public. The actions of the defendant have caused considerable loss and hardship to the plaintiff. The continued broad cast of the video will result in irreparable damage to the



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reputation of the plaintiff. Hence, the present suit has been filed seeking damages and permanent injunction restraining the defendant from making any defamatory statements uploaded in the social platform.

3. Despite service of notice, none appeared for the defendant. Hence, the defendant was set exparte.

4. Senior Director [HR of the plaintiff company has been examined as P.W.1 and Ex.P.1 to Ex.P.11 have been marked.

P.W.1 – Mr.Ajith K.Mathew

<i>S.No.</i>	<i>Date</i>	<i>Description of documents</i>	<i>Exhibit</i>
1.	09.09.2022	Certified copy of the Board Resolution	P-1
2.	20.07.2018	Printout of the E-mail correspondence dated 21.07.2018	P-2
3.	29.10.2018	Printout of the relieving letter issued by the plaintiff to the defendant	P-3
4.	02.11.2018	Printout of the email correspondence	P-4
5.	--	Compact disc	P-5
6.	12.06.2019	Print out of the YouTube video link and the Google Drive link given in the Youtube Video along with print	P-6



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<i>S.No.</i>	<i>Date</i>	<i>Description of documents</i>	<i>Exhibit</i>
		out of documents uploaded by the defendant in the Google Drive	
7.	16.08.2019	Printout of the E-mail correspondence dated 16.08.2019	P-7
8.	12.06.2019	Printout of the Facebook post uploaded by the plaintiff	P-8
9.	24.01.2011	Copy of the employee agreement between the plaintiff and the defendant	P.9
10.	29.10.2018	Copy of Full and Final Settlement Payslip	P.10
11.	12.11.2018	Copy of the full and final settlement Pay Slip	P.11

6. The learned counsel appearing for the plaintiff submitted that the defendant has accused the plaintiff company of forgery which is an offence of considerable seriousness and gravity and the defendant's slanderous videos has been made with malice and ill will and seeks to bring down the reputation that the plaintiff has painstakingly built. It is his further submission that the plaintiff has been subjected to baseless allegations which are defamatory and derogatory by the defendant on a public platform, Youtube, despite the plaintiff acting in a bonafide manner and the



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allegations caused disrepute to the plaintiff company.

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7. A perusal of the entire defamatory statements and the contents in the videos, which is also extracted in the plaint, the same are nothing but malicious and defamatory. Merely because a person has a right to post content in YouTube, he cannot cross his limit by encroaching upon the reputation of others. Though the publication is a right, such a right is subject to reasonable restrictions and cannot be allowed to make inroads upon the reputation of others. When such statements are surfaced, particularly in social media like YouTube affecting the reputation of others, it will have serious impact on the individual or his company. The very statements surfaced in the Youtube makes it clear that the same are objectionable and malicious statements have been made without any semblance of truth. Such statements are defamatory in nature with malicious content.

In such view of the matter, this Court is of the view the plaintiff is certainly entitled for permanent injunctions as prayed for. As far as the



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damages is concerned, the evidence is not convincing to award damages as prayed for by the plaintiff. Further, the defendant has not made any statement after passing of the interim Order. It is also seen that some statements prior to interim injunction Ordered by this Court has caused damages to the reputation and goodwill of the plaintiff. Though the damages cannot be estimated, this Court is of the view that the plaintiff has to be compensated atleast for a sum of Rs.one lakh.

8. Accordingly, the suit is decreed with costs for permanent injunctions as prayed for and the defendant is directed to pay a sum of Rs.1,00,000/- [Rupees one lakh only] towards damages to the plaintiff.

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Index : Yes / No

Neutral Citation : Yes / No



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N.SATHISH KUMAR, J.

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