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C.S.No.3 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

C.S.No.3 of 2023
&O.A.Nos.5 & 6 of 2023
& A.No.68 & 69 of 2023

M/s.Tractors and Farm Equipment Limited ... Plaintiff

Vs

1.M/s.Linkedin Corp.
1000 West Maude Avenue,
Sunnyvale, CA 94085,
United States of America,
Represented by its Authorised Representative

2.Linkedin Technology Information Pvt. Ltd.,
16A/20, WEA Main Ajmal Khan Road,
Karol Bagh New Delhi 110 005.

And also at

7th Floor, Tower A, Global Technology Park,
Devarabisanahalli, Adarsh Palm Retreat,
Bengaluru 560 103.

3.The Tractorwala,
Owner/ poster of the Profile “The Tracktorwala”
C/o.M/s.Linkedin Corp,
1000 West Maude Avenue,
Sunnyvale, CA 94085
United States of America.



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And also at

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LinkedIn Technology Information Pvt. Ltd.,
16A/20, WEA Main Ajmal Khan Road,
Karol Bagh New Delhi 110 005.

And also at

7th Floor, Tower A, Global Technology Park,
Devarabisanahalli, Adarsh Palm Retreat,
Bengaluru 560 103.

... Defendants

PRAYER: Civil Suit filed under Order VII Rule 1 of the Civil Procedure Code r/w. Order IV Rule 1 of the Original Side Rules praying for:

(a) Declaring that the 3rd defendant has violated the provisions of the law presently in force including the Information Technology Act, 2000 and the Rules and the internal rules and policies of the Social Media Platform of the 1st and 2nd defendant Viz. “LINKEDIN” including the User Agreement and “LINKEDIN Professional Community Policies” etc:

(b) Permanent injunction restraining the defendants their officials, agents, servants or persons acting through or under the Defendants in whatever capacity or form from publishing, posting, exhibiting, displaying, making available any material, content etc., that is false or defamatory as against the plaintiff and its senior management on any forum or medium whatsoever;



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(c)Permanent injunction restraining the defendants their officials, agents, servants or persons acting through or under the defendants in whatever capacity or form from publishing, posting, exhibiting, displaying, making available any claims, content, including lascivious or obscene material or content, or any allegations to the effect that sexual harassment, molestation, abuse etc, has taken place in the plaintiff's company. In any form or manner including written posts, private messages, audio recordings, video, photographs etc., on any forum or medium whatsoever;

(d)granting a mandatory injunction to the 1st and 2nd defendants to permanently remove/ block the 3rd defendant's Profile "THE TRACKTORWALA" at URL <https://www.linkedin.com/in/the-tracktorwala-78730516b/> or any other URL on their social media platform "LINKEDIN".

(e)grant a mandatory injunction direction directing the 1st and 2nd defendants herein to forthwith furnish all details including the IP address, name, identity, address, etc of the user(s) who are the owner(s) of the profile "THE TRACKTORWALA" on their social media platform 'LINKEDIN'.



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(f)for such further or other orders as this Hon'ble Court
may deem fit and proper in the circumstances of the case and

(g)for the costs of the suit and thereby render justice.

For Petitioner : Mr.Krishna Srinivasan
Senior Advocate
for S.Ramasubramanian & Associates

For Respondents : Mr.P.Giridharan for D1 & D2
D3 – unserved
D4 - service awaited

ORDER

The prayer in the suit is primarily to restrain the defendants from publishing, posting, exhibiting, displaying, making available any material, content etc., that is false or defamatory as against the plaintiff and its senior management on any forum or medium whatsoever; and also for a mandatory injunction the 1st and 2nd defendants to permanently remove/ block the 3rd defendant's Profile and to direct the 1st and 2nd defendants herein to forthwith furnish all details including the IP address, name, identity, address, etc of the profile of the 3rd defendant on their social media platform 'LINKEDIN’.

2.When the applications were taken up injunction was granted restraining the defendants from publishing alleged posts pending notice. The



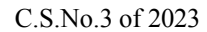
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said interim injunction had been time and again extended. By the order dated 09.03.2023, when the applications were listed before this Court, the learned counsel appearing on behalf of the 1st and 2nd defendants had submitted that they do not have details of the 3rd respondent. But, however, they agreed to provide I.P.address of the 3rd defendant. It is also worthwhile to note that pursuant to the injunction granted by this Court in the application, 1st and 2nd defendants have removed the posts and have primarily blocked the 3rd respondent from making any post in their platform LINKEDIN.

3.When the matter was taken up today a memo had been filed on behalf of the plaintiff which is extracted hereunder:-

“1.This Hon'ble Court vide order dt.04.01.2023 was pleased to grant an injunction as prayed for in O.A.No.s5 and 6 of 2023 in the present suit. The said orders have been extended from time to time and continue to remain in force.

2.Pursuant to the said orders, and also as the 1st defendant had found that the 3rd defendant's profile “TRACTORWALA” had vilated the 1st defendant's Terms of Use, the said 3rd defendant's profile and the posts therein



3.Further, the 1st defendant has also disclosed the IP Address of the 3rd defendant to the plaintiff, as per the orders of this Hon'ble Court dt 09.03.2023.

Therefore, it is humbly prayed that, recording the foregoing, the present suit itself may be disposed off. It is further prayed that the refund of Court Fee may be ordered.”

4. Since, the 1st and 2nd defendants had primarily blocked the 3rd respondent from making any posts in their platform “LINKEDIN” and also they have provided I.P. address of the 3rd respondent. He would seek this Court to record the same and dispose of the suit, however, with liberty to the plaintiff to proceed against the 3rd defendant in the manner known to law.



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He would also seek this Court's indulgence in directing the Cyber Crime Cell, Chennai, before whom the plaintiff had made an complaint against 3rd defendant to findout the name, address, identity and other details of the 3rd defendants.

5.In view of the said submissions made by the learned counsel for the plaintiff, the civil suit is disposed of. The Cyber Crime Cell, Chennai shall take appropriate action on the complaint of the plaintiff bearing acknowledgment No.22912220071368 and ascertain the name, address, identity and other details of the 3rd respondent and provide the same to the plaintiff so as to enable the plaintiff to take appropriate action against the 3rd defendant.

6.With the aforesaid observations, this Civil Suit is disposed of. However, there shall be no order as to costs. Consequently, connected Applications and Original Petitions are closed.

7.Registry is directed to refund the Court fees as applicable in the aforesaid circumstances of the present case.

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Index :Yes/No

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Index: Yes/no

Speaking order:Yes/no

Neutral citation:Yes/no

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Today, the said application has been posted under the caption “for being spoken to” at the instance of the learned counsel for the applicant. He had mentioned that they have agreed to provide the I.P. Address, which is the only detail available with them. He would also further submit that they have restricted the 3rd respondent from using their platform, which would mean that in future, the 3rd respondent would not be able to use the platform of the 1st respondent.

2.Hence, considering the above said submission, the Registry is directed to modify/ delete the following words. In paragraph 2, 6th sentence delete the word, “but, however,” and add “*except the I.P.address which*



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they have” and in the 7th sentence, the words “*I.P.address of the 3rd defendant*” may be deleted. In the 9th sentence, the words “*and 2nd*” may be deleted and in the same sentence “*primarily blocked*” may be deleted and the word “*restricted*” may be added.

3.In paragraph 4, 1st sentence the word “*primarily blocked*” will be deleted and the word “*restricted*” will be added. In the same paragraph, 3rd sentence, after the word 3rd *respondent* punctuation may be changed to “,” and the next word shall start with a small letter.

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4.Learned counsel would further submit that in paragraph 4 and 5, this Court had indicated that the Cyber Crime Cell is in Chennai. However, the learned counsel would submit that complaint has been made before the Cyber Crime Cell at New Delhi. Therefore, Registry is directed to delete the word “Chennai” in paragraph 4 and 5 and replace it with “*New Delhi*”.

5.Registry is directed to issue a fresh order copy after carrying out necessary corrections.

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