



2024:DHC:5760



\$~13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 01st August, 2024**+ **CS(COMM) 40/2022 & I.A. 884/2022, I.A. 2913/2022, I.A. 5950/2022, I.A. 241/2024****TATA SIA AIRLINES LIMITED & ANR.****.....Plaintiffs**

Through: Mr. Pravin Anand, Mr. Achuthan Sreekumar, Mr. Rohil Bansal and Mr. Swastik Bisarya, Advocates.
Mob: 7800902538

versus

ASHRAF ALAM**.....Defendant**

Through: Mr. Prakash Kumar Adv. alongwith Mr. Ajay Kumar Singh Adv. for D-1
Ms. Shloka Narayanan and Mr. Abhishek Kumar, Advocates for D-2.
Mob: 9716133038
Mr. Sanjay Kumar and Mr. Saurabh Kumar, Advs. for D-3

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL)**

1. The present suit has been filed for permanent injunction restraining defamation, disparagement, causing nuisance and breach of privacy, dilution and tarnishment of trademark, damage to reputation and tarnishment of brand equity, brand dilution, infringement of registered trademark, passing off, damages, etc.
2. Plaintiff no. 1 is engaged in the business of operating, managing and



providing scheduled Air Transport Services under the brand name, 'VISTARA'.

3. It is submitted that the plaintiffs' trade mark 'VISTARA' has been declared as a well-known mark, as defined under Section 2(1)(zg) of the Trade Marks Act, 1999, by this Court in case bearing no. CS (COMM) 156/2019, titled as *TATA SIA Airlines Limited versus M/s Pilot 18 Aviation Book Store and Another*. As a result, the plaintiffs' 'VISTARA' trade mark is entitled to the highest degree of protection confer under law.

4. The defendant in the instant case, is a former employee of the plaintiff no. 1, whose services were terminated on 26th June, 2021. Thereafter, the defendant, in order to malign the reputation of the plaintiff no. 2, and to disparage the brand 'VISTARA', made defaming and disparaging post on his twitter and LinkedIn Accounts. Through the said online posts, the defendant made false and baseless allegations against the plaintiffs.

5. Thus, the present suit was filed to protect the business, prospects, reputation and goodwill of the plaintiffs, its top officials and its well-known trade mark and brand 'VISTARA'.

6. Learned counsel appearing for the plaintiffs submits that pursuant to the filing of the present suit, the defendant has filed its reply and written statement.

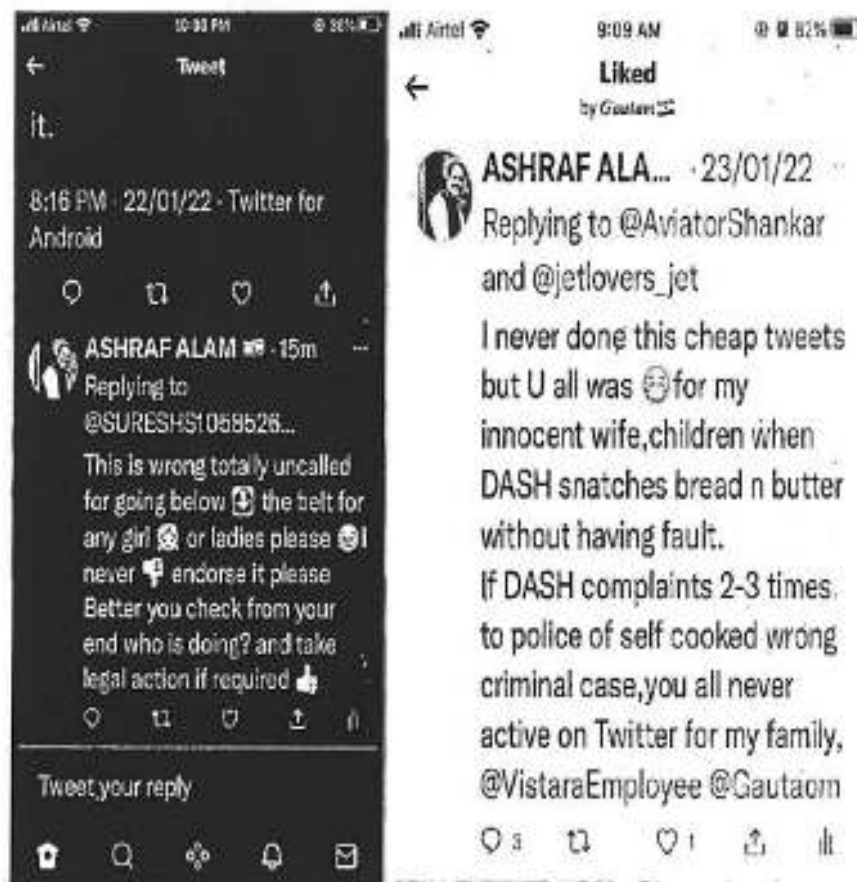
7. Attention of this Court has been drawn to reply filed on behalf of defendant, to I.A. 2913/2022, wherein, the defendant has stated as follows:

"xxx xxx xxx

6. *It is also pertinent to mention here that when the defendant came to know about the above-mentioned alleged derogatory tweet through the notice sent by the plaintiffs, he immediately and vehemently condemned the said tweet. The screenshot of the tweet by*



the defendant through which he is condemned the alleged tweet made by @VistaraEmployee is mentioned below:



7. That the above-said tweets prove that defendant has no involvement in making such tweet as alleged by the plaintiff. Further, Defendant has no idea about the handler of the above-said tweeter handle i.e. @VistaraEmployee as it anonymously send e-mails and tag the defendant in their tweets. They claim to be the employee of the plaintiff no.1 but do not disclose their identity to the defendant due to the fear of prosecution. They support the defendant for his fight against injustice that was done by plaintiffs by illegally terminating him and defendant regularly receives e-mails and updates about the company of plaintiffs through them. They claim to be aggrieved by the mismanagement and corruption that is being practiced by the mismanagement and corruption that is being practiced by the plaintiff no. 2 in the company of plaintiff no. 1.

8. That on the date of hearing on order has been passed by this Hon'ble Court that directed that defendant to delete that above-



mentioned alleged tweet and directed him to abstain from making further such tweets. However, it is pertinent to mention here that the defendant has no relation and control with the above-mentioned tweeter handle of @VistraEmployee, therefore, he is unable to obey the order of this Hon'ble Court dated 1st of January 2022. It is also pertinent to mention here that defendant was not present on that day of hearing but represented himself through his legal counsel. The counsel argued and informed the Hon'ble High, Court that the alleged posts and Twitter handle of @VistaraEmployee does not belong to defendant.

xxx xxx xxx”

(Emphasis Supplied)

8. Attention of this Court has also been drawn to the written statement filed on behalf of the defendant, relevant portion of which, reads as under:

“xxx xxx xxx

41.

(a).....

(b)..... It is also pertinent to mention here that the defendant himself, never showed any disrespect toward the Vistara but bestowed high regards to it by using the words like 'Dream airlines Vistara', 'Hon'ble Shri Ratan Tata Ji ', 'Dream Company Vistara', 'Shri ICON RATAN TATA Ji ' etc. while addressing the Plaintiff no. 1 and putting forward his grievances. As the bonafide intention of the client can be known by having mere speculation of the posts that were made by him on social media. These posts are annexed here as ANNEXURE-12.

xxx xxx xxx”

(Emphasis Supplied)

9. By referring to the aforesaid submissions made on behalf of defendant no. 1, learned counsel appearing for the plaintiff submits that the defendant has categorically stated that he has not made any derogatory tweets against the plaintiffs.

10. Further, the defendant has stated in categorical terms that he holds the plaintiff in high esteem. Accordingly, learned counsel appearing for the



plaintiff submits, that the present suit can be decreed in view of the aforesaid submissions, made on behalf of defendant.

11. Learned counsel appearing for the plaintiff further submits that vide order dated 1st February, 2022, defendant was directed to delete the defamatory tweets of plaintiff no. 2 and has been restrained from uploading further derogatory tweets regarding plaintiff no.2-company and its family/associated members. The tweets in question have already been brought down, by the defendant.

12. Thus, it is submitted that defendant has clearly stated that he has never shown any disrespect towards the registered and well known trade mark of plaintiff no. 1 'VISTARA', and has high regard for the same.

13. Further, the defendant no. 1 has used positive, affirmative and complementary terms for the TATA Company, as well as 'VISTARA'.

14. Thus, learned counsel appearing for the plaintiff submits that he is ready to give up his claim for damages, and that the suit can be decreed in terms of the submissions made by the defendant, as aforesaid.

15. Ms. Malika Joshi, learned counsel appearing for plaintiff no. 2 submits that she is *ad idem* with learned counsel appearing for plaintiff no. 1 and joins in the submission, that in view of the submissions made by the defendant, the present suit can be disposed of.

16. Mr. Prakash Kumar, learned counsel appearing for defendant, submits that the defendant has already denied that the E-mails and the X handle ('erstwhile twitter'), do not belong to defendant.

17. Considering the submission made before this Court, this Court is of the view that the suit can be decreed in terms of the submission made by the defendant in the reply, and written statement, as noted above.



2024:DHC:5760



18. This Court notes that the objectionable, defamatory and disparaging posts and messages, have already been taken down, and deleted.

19. Thus, the present suit is decreed and a permanent injunction is granted against the defendant from engaging in any activity whatsoever, amounting to defaming or disparaging the plaintiffs, its top officials and its well known and registered trademark 'VISTARA', in any form or manner, whatsoever.

20. Decree sheet be drawn in terms of prayer (ii) of para 74 of the prayer clause in the plaint.

21. The present suit, accordingly, stands disposed of, along with the pending applications.

MINI PUSHKARNA, J

AUGUST 1, 2024
ak