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O.A No. 525 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-05-2025

CORAM

THE HONOURABLE MR JUSTICE G. R. SWAMINATHAN

OA No. 525 of 2025 AND

A NO. 2424 OF 2025 in CS NO. 111 OF 2025

Mohan Ravi
S/o.A.Mohan, No.1-B, Govindham
Apartments, 2nd Lane, Chamiers Road,
Alwarpet, Chennai 600 018.

... Applicant

Vs

1. Aarthi Ravi
D/o.Vijayakumar Presently residing at
No.65, Kalpana House, Santhome High
Road, Chennai 600 004.

2.Mrs,Sujatha Vijyakumar
W/o.Vijayakumar, Kalpana House, No.65,
Santhome High Road, Chennai 600 004.

... Respondents

A No. 2424 of 2025

Mohan Ravi
S/o.A.Mohan, No.1-B, Govindham
Apartments, 2nd Lane, Chamiers Road,
Alwarpet, Chennai 600 018.

Plaintiff(s)

Vs

1. Aarthi Ravi
D/o.Vijayakumar Presently residing at
No.65, Kalpana House, Santhome High
Road, Chennai 600 004.

2.Sujatha Vijyakumar
W/o.Vijayakumar, Kalpana House, No.65,
Santhome High Road, Chennai 600 004.

Defendant(s)



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CS No. 111 of 2025

Mohan Ravi
S/o.A.Mohan, No.1-B, Govindham
Apartments, 2nd Lane, Chamiers Road,
Alwarpet, Chennai 600 018.

Plaintiff(s)

Vs

1. Aarthi Ravi
D/o.Vijayakumar Presently residing at
No.65, Kalpana House, Santhome High
Road, Chennai 600 004.

2.Sujatha Vijyakumar
W/o.Vijayakumar, Kalpana House, No.65,
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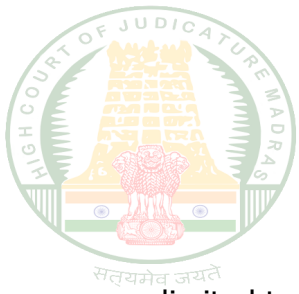
Defendant(s)

PRAYER in OA No. 525 of 2025:

To grant an order of interim injunction restraining the Respondents/Defendants and his men, relatives and agents from in any manner making, uploading, writing, printing, publishing, broadcasting, distributing or disseminating in print media or electronic media or internet media or any form whatsoever, any defamatory material, statements, continuing in uploading, publishing, including the purported post/video/ audio any material or statements relating to or arising from, relatable to the Applicant/Plaintiff which is affecting and damaging the name and reputation of applicant/plaintiff in any manner pending disposal of the above suit.

PRAYER in A No. 2424 of 2025:

To direct the 1st Respondent/1st Defendant to remove/delete the false defamatory Instagram post made in her Instagram profile published on 11/09/2024, 30/09/2024, 09/05/2025, 20/05/2025 and also the 2nd Respondent/2nd Defendant to remove/delete the false, defamatory Instagram post published in her Instagram profile on 17/05/2025 and remove/delete any other material or statements aforesaid including tagging the name of the Applicant in all online media including but not



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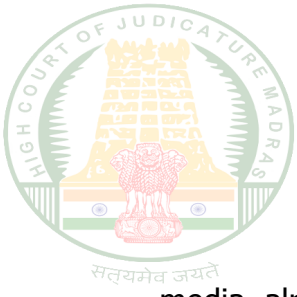
limited to X (Twitter) Facebook, Telegram, Instagram and WhatsApp pending disposal of the above suit.

For Applicant : Mr.Dama Seshadri Naidu
Senior Counsel
for M/s.S.Karthikei Balan

For Respondents : Mr.J.Ravindran, Senior Counsel
for Ms.S.P.Arthi

ORDER

Charity begins at home. The applicant wants to restrain the respondents from defaming him. He also wants them to take down the defamatory material posted by them in the online world. The applicant is the husband of the first respondent and son-in-law of the second respondent. There is a biblical saying that one should do to others what he / she would want them to do to him / her. Negatively put, one should not do to others what he / she would not want them to do to him / her. The applicant herein does not want the respondents to defame him. Fair enough. But the applicant also should conduct himself likewise. When this was put to the Senior Counsel for the applicant, he readily conceded. Both parties undertook to refrain from damaging each others' name in public. They informed the Court that they would fight out their battles within the four corners of the Court hall. In terms of the undertaking given by the parties through their respective senior counsel, both sides are henceforth restrained from making any statement against each other in public. This restraint order will hold good till the conclusion of this civil suit. Both sides are further directed to take down the posts made by them against each other in social



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media already. The request to take down the offending posts shall be made immediately and the concerned social media platforms shall comply with the request without any delay.

2.In normal circumstances, this should be the end of the matter. But the learned senior counsel on either side called upon this Court to travel an extra mile and pass a general restraint order against media both print and online. The learned senior counsel for the applicant even suggested that I could pass what is called as “super injunction order”. Such an order directs that even the fact of injunction shall not be disclosed or published. In other words, it anonymises everything. Such an order may perhaps be granted when the controversy is still at the foetal stage. If the subject matter is already out in the public domain, the question of issuing a super injunction order may not arise. In any event, based on the consent of parties alone, such an order cannot be issued. The Court has to independently satisfy itself that a case has been made out to restrain the world at large.

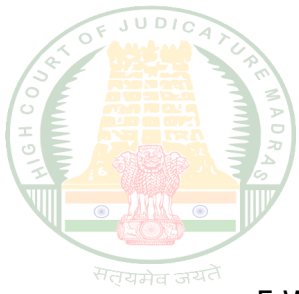
3.The applicant is a well known film actor. Even if the parties abide by the undertaking now given before me, the print and the social media would not keep quiet. There is always a possibility of inspired leaks or sponsored reporting from either of the warring camps. In that event, the injunction order given by this Court would become infructuous. It is for this reason that Shri.Dama Seshadri Naidu,



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learned senior counsel, wanted me to issue some kind of positive direction to restrain the media from wading into the controversy further.

4.The applicant and the first respondent got married on 04.06.2009 and two male children were born from the wedlock. Their marital relationship is under severe strain. Since the applicant is a celebrity, the issue has evoked public attention. Both the parties have gone hammer and tongs at each other. The footprints of the negative campaign are there for all to see in the virtual world. I am worried about the impact it will have on the psychological health of the children. Article 8 of ECHR states that everyone has the right to respect for his private and family life. Article 16 of the United Nations Convention on the rights of the child states that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence nor to unlawful attacks on his or her honour and reputation. The child has the right to protection of the law against such interference or attacks. This convention was ratified by Government of India in 1992 itself. Article 51 of the Indian Constitution emphasises on the need to foster respect for international law and treaty obligations. Section 9(2) of Digital Personal Data Protection Act, 2023 mandates that a Data Fiduciary shall not undertake such processing of personal data that is likely to cause detrimental effect on the well-being of a child. I referred to these provisions only to emphasise the need to bear in mind the paramount interests of the children in such matters.



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5. What is at stake is the right to reputation and privacy of the parties concerned. The Hon'ble Supreme Court had held in ***Sukhwant Singh Vs. State of Punjab (2009) 7 SCC 559*** that the reputation of a person is one's valuable asset and is a facet of his right under Article 21 of the Constitution of India. Privacy too has been declared as a fundamental right flowing out of the same article (***K.S. Puttaswamy Vs. Union of India (2017) 10 SCC 1***). In ***Kaushal Kishor vs. State of U.P (2023) 4 SCC 1***, it was declared that a fundamental right under Articles 19 / 21 can be enforced even against persons other than the state or its instrumentality. Thus, there can be a horizontal application of the fundamental right to reputation and privacy even against private entities.

6. Before me, the media is not represented. Question arises if an injunction order can be passed against unnamed and unknown defendants. I do not see any impediment. What are John Doe (or Ashok Kumar) orders then? They are ex parte orders issued against unidentified people preventing them from indulging in activities that breach the copyrights of the applicants. John Doe orders are issued not only to uphold copyrights but also to protect the right to reputation and privacy. Due to sheer paucity of time, I am not able to explore the precedents and jurisprudential basis. It is enough to invoke the doctrine of "*ubi jus ibi remedium*". If there is right, there must be remedy. Not only the parties herein but the children born from the wedlock from the applicant and the first respondent have the right to privacy. Once



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this right is acknowledged, it is the Court's duty to enforce the same. This right cannot be frustrated merely because as of now, it is not possible to exhaustively catalogue the names of persons who may infringe or who have infringed this right.

7. One particular case deserves to be cited and that is ***PJS Vs. News Group Newspapers limited (2016) 2 WLR 1253***. The Supreme Court of United Kingdom dealt with the competing claims of claimant's right to privacy and the convention right to freedom of expression. The case involved the extra martial affairs of the applicant. The Court noted that the ground on which it was acting was to preserve the privacy interest of the claimants / his partners and their young children pending a trial. Without the injunction, there will be further unrestricted and extensive coverage in hard copy as well as other media. The Court noted that even if the conduct of the parties may appear unappealing, the law is there to protect their legitimate interest as well as of children with no responsibility to such conduct. It was noted that there was no public interest in any legal sense in the story involving the claimant. On the other hand, if injunction was not granted, it would involve significant additional intrusion into the privacy of the claimant / his partner / their children. Lady Hale spoke on the interests of the children involved in the case. Her Ladyship noted that the children would definitely be affected by the publication of private information about their parents. Not only are the children's interests likely to be affected by a breach of the privacy interests of their parents,



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but the children have independent privacy interests of their own. They also have the right to respect for their family life with their parents. Editors must demonstrate an exceptional public interest to override the normally paramount interests of children under 16. Her Ladyship noted that the least harmful way for the children to learn of the events is from their parents. Their parents have the resources to take wise professional advice and how to reveal and explain matters to their children in an age-appropriate way and at the age-appropriate time.

8.I am inclined to adopt the approach delineated in the aforesaid case. What has happened between the applicant and the first respondent has no element of public interest at all. Because the applicant is a celebrity, the negative development in his personal life has attracted general attention. People are curious to know every petty detail about the intimate aspects. We are in the age of social media and voyeurism is on the rise. To gain more and more viewership, every sleazy information is magnified, distorted and presented. The interests of the two children of the parties cannot be sacrificed at the altar of mass consumerism.

9. There is another sacred principle which all of us have forgotten; the doctrine of sub judice. When the Court is seized of the matter, it is not for the media to conduct a parallel trial. Media would include social media also. Injunction has to be granted against the world at large to uphold the principle of sub judice.



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10.The media, both print as well as online are restrained from posting or hosting or debating any information concerning the matrimonial dispute between the applicant / plaintiff and the first respondent / defendant. The online portals and websites are directed to take down the offending / defamatory contents pertaining to the matrimonial dispute between the applicant / plaintiff and the first respondent / defendant. Registry is directed to mark a copy of this order to the Secretary to Government, Ministry of Electronics and Information Technology, Government of India, New Delhi to ensure prompt and effective compliance of this order.

11.Accordingly, the application O.A.No.525 of 2024 and Application No.2424 of 2025 are allowed in the above terms.

23-05-2025

KST
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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To

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D/o.Vijayakumar Presently residing at
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G.R.SWAMINATHAN J.

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