
(2022) 12 TEL CK 0038

High Court For The State Of Telangana:: At Hyderabad

Case No: Civil Revision Petition No. 2908 Of 2022

Vishnu Manchu

APPELLANT

Vs

Twitter

Communications India

Pvt. Ltd

RESPONDENT

Date of Decision: Dec. 14, 2022

Acts Referred:

- Constitution Of India, 1950 - Article 227
- Code Of Civil Procedure, 1908 - Order 39 Rule 3A
- Information Technology (Intermediary Guidelines and Digital Media Ethics) Rules, 2021 - Rule 3(1)

Hon'ble Judges: A.Venkateshwara Reddy, J

Bench: Single Bench

Advocate: Mamidi Avinash Reddy

Final Decision: Disposed Of

Judgement

1.Ã, This Civil Revision Petition is filed by the revision petitioner/plaintiff under Article 227 of the Constitution of India for a direction to the learned

X Additional Chief Judge, City Civil Court at Hyderabad, to dispose of I.A.No.1793 of 2022 in O.S.No.494 of 2022 within a period of 10 days

and pass such other order as this Court deems fit and proper in the circumstances of the case.

2. The revision petitioner is the plaintiff in O.S.No.494 of 2022 and filed the original suit against the defendant Nos.1 to 6 with a prayer directing

the defendants 1 to 3 to take down/remove from their respective platforms, internet etc., within 36 hours, the abusive and defamatory content

hosted and published against the petitioner, vide the URL's and links mentioned in schedule A & B and any other defamatory content as and

when reported or brought to the notice of the defendant Nos.1 to 3 and to restrain them from hosting or publishing any libelous or defamatory

content in any mode against the petitioner and to take down/remove from the respective platforms, internet etc., any such defamatory content

reported by the plaintiff and further to restrain the defendant Nos.4 to 6 from publishing or posting any content against the petitioner either by way

of publication or by way of audio visuals or any other mode in public or private platforms including social media, internet. The plaintiff has also

prayed for a direction against the defendant Nos.1 to 6 for payment of Rs.1 crore as compensation for damages suffered.

3. Along with the original suit, the plaintiff has also filed I.A.No.1793 of 2022 for interim direction to the respondent Nos.1 to 3 to remove the

defamatory and abusive content hosted and published against the petitioner.

4. As per the Case Status Information, the original suit along with I.A. is adjourned from 02.12.2022 to 23.01.2023. It appears Sri A.P. Suresh,

advocate has filed offering memo for respondent No.1 and Mrs. Shireen Sethna Baria, advocate has filed offering memo for respondent No.2. Till

date, neither the vakalat of respondent No.1 and respondent No.2 nor their counter is filed before the trial Court.

5. Heard the learned counsel for the revision petitioner. It is submitted by him that the trial Court has failed to exercise the jurisdiction conferred

upon it under Order 39, Rule 3-A of the Civil Procedure Code, 1908 (for short 'CPC') and that the respondents/defendants are uploading

the abusive and derogative content on their respective platforms. The learned counsel would further submit that according to Rule 3 (1) of

Information Technology (Intermediary Guidelines and Digital Media Ethics) Rules, 2021, it is a duty of the respondent Nos.1 to 3 to inform the

users, subscribers not to host/upload any defamatory and derogatory content and if posted the same shall be taken down within 36 hours from the

time, the abusive content is brought to their knowledge by way of court order or notified by an agency etc. In spite of lodging a complaint by the

petitioner/plaintiff, the respondents have not taken any action. As such, the original suit along with the said I.A.No.1793 of 2022 is filed. But, the

Court below has failed to consider these rules and no such interim relief is granted and the abusive content is being hosted on the respondent social

media intermediaries causing lot of mental trauma, grave and miserable loss and injury, detrimental to the petitioner as damaging his reputation

resulting in loss of business and opportunities.

6. The learned counsel for the revision petitioner/ plaintiff has relied on the following decisions:

i) The orders dated 29.10.2021 in I.A.No.1 of 2021 in Writ Petition No.9166 of 2020 between the High Court of Andhra Pradesh at Amaravati

Vs. State of Andhra Pradesh and others.

ii) T.V. Today Network Limited Vs. Cognate and others 2021 SCC OnLine Del 3244;

iii) *Union of India Vs. Association of Banks in India* 2021 SCC OnLine Del 1788.

7. Undisputedly, the original suit in O.S.No.494 of 2022 along with the said I.A.No.1793 of 2022 was filed on 20.10.2022. Till date, no such

restraint order is passed by the learned judge of the trial Court and it is the contention of the learned counsel for the revision petitioner/plaintiff that

since no such restraint order is passed and the original suit along with I.A. stands posted to 23.01.2023, the abusive content hosted on the

respondents social media intermediaries is causing lot of mental trauma and injury detrimental to the petitioner and that it is effecting/ damaging his

reputation resulting in loss of opportunities and business.

8. Be it stated that along with this Civil Revision Petition, IA No.1 of 2022 is filed with a prayer for ad-interim direction against the respondents 1

to 3 directing them to take down/remove the abusive and defamatory content hosted and published against the petitioner, vide URL *https://www.facebook.com/...* and

links mentioned in schedule A & B from the respective platforms, internet etc. within 36 hours and any other defamatory content as and when

reported or brought to the notice of the respondents 1 to 3. This prayer in I.A.No.1 of 2022 is beyond the prayer made in the civil revision

petition.

9. Therefore, considering the fact that respondent Nos.1 and 2 caused appearance in I.A.No.1793 of 2022 and the prayer in the civil revision

petition is only to direct the learned X Additional Chief Judge, City Civil Court at Hyderabad to dispose of I.A.No.1793 of 2022 within 10 days

hereof, this Court is not inclined to pass any ad-interim, ex parte restraint orders, without hearing the other side at this stage in I.A.No.1 of 2022 in

the present civil revision petition. It is left open to the learned judge of the trial Court to consider the prayer made in I.A.No.1793 of 2022 on its

own merits as expeditiously as possible, considering the facts and circumstances of the case and the mandate under Order 39 Rule 3(A) of

C.P.C.,

10. Therefore, for all the reasons stated above, having regard to the facts and circumstances of the case, peculiar nature of the litigation, I find

justification in the request made and urgency expressed by the learned counsel for the revision petitioner. Accordingly, the learned X Additional

Chief Judge, City Civil Court, Hyderabad, is directed to issue notice to the respondent Nos.1 to 3 either in person or through their counsel and

advance the matter to any date from 23.01.2023 within a period of 7 days from the date of receipt of copy of this order and hear the matter within

another 7 days therefrom and pass appropriate orders, within 7 days from the date of hearing.

11. With the above direction, the Civil Revision Petition is disposed of at the admission stage.

As a sequel, miscellaneous applications, if any pending in this civil revision petition, shall stand closed.