

RESERVED ON 17TH APRIL 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL No.694/2026 (CPC)

BETWEEN:

POWER TV,
A NEWS CHANNEL OPERATED BY
POWER SMART MEDIA PRIVATE LIMITED,
HAVING ITS OFFICE AT
1ST PHASE, POWER TV NEWS,
NO.7, 11TH MAIN, MATTIKERE MAIN ROAD,
1ST STAGE, GOKULA EXTENSION,
YESHWANTPUR, BENGALURU-560054.
REPRESENTED BY ITS M.D.
MR. RAKESH SANJEEVA SHETTY
NOW REPRESENTED BY POWER
SMART MEDIA (OPC) PVT. LTD.

...APPELLANT



(BY SRI M.R.C. RAVI, SENIOR COUNSEL FOR
SRI R. SWAROOP ANAND, ADVOCATE)

AND:

DR. B.R. RAVIKANTHEGOWDA
S/O BESAGARAHALLI RAMANNA,
AGED ABOUT 57 YEARS,
RESIDING AT BALAJI GARDEN,
DOOR NO.50, OBECHUDAHALLI,
UTTARAHALLI HOBLI,
BANGALORE-560061.

...RESPONDENT

(BY SRI UDAYA HOLLA, SENIOR COUNSEL FOR
SRI HONNAPA S., ADVOCATE FOR C/RESPONDENT)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC., AGAINST THE ORDER DATED 06.01.2026 PASSED IN MISC.NO.102/2023 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, ALLOWING THE PETITION FILED UNDER ORDER 39 RULE 2A READ WITH SECTION 151 OF CPC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MRS JUSTICE K.S. HEMALEKHA

CAV JUDGMENT

This Miscellaneous First Appeal is preferred by Power TV, arrayed as defendant No.52 in O.S.No.1602/2023, calling in question the order dated 06.01.2026 passed in Miscellaneous No.102/2023 by the Court of the Principal Civil Judge and JMFC, Bengaluru Rural District, Bengaluru ('Trial Court' for short). By the impugned order, the Trial Court allowed the petition filed by the respondent-plaintiff under Order XXXIX Rule 2A read with Section 151 of the Code of Civil Procedure (CPC), holding that the appellant-defendant No.52 has committed disobedience and breach of the interim order of injunction dated 08.09.2023 passed in O.S.No.1602/2023 and consequently directed detention of the appellant in the civil prison for a period of three (3) months, subject to the plaintiff depositing subsistence allowance as fixed by the State Government.

Brief facts:

2. The respondent herein, who is the plaintiff in O.S.No.1602/2023, instituted the suit seeking decree of permanent injunction restraining several media houses, including the present appellant, from telecasting, publishing or circulating any defamatory material allegedly affecting his reputation. In the said suit, the Trial Court by order dated 08.09.2023 granted an *ex parte ad interim* temporary injunction restraining defendant Nos.1 to 52 from broadcasting or publishing any material which would allegedly damage the reputation of the plaintiff.

3. The plaintiff (respondent) filed Miscellaneous No.102/2023 under Order XXXIX Rule 2A of CPC, seeking action for disobedience of the injunction order against the appellant. Upon consideration of the evidence, including photographs and electronic recordings, the Trial Court by the impugned order dated 06.01.2026 held that the appellant had willfully violated the interim injunction order and accordingly allowed the petition directing detention of the appellant in civil prison for a period of three (3) months. Aggrieved by the said order, the present appeal is filed.

4. Learned counsel for the appellant contends that the impugned order passed by the Trial Court is erroneous both on facts and in law. It is submitted that the Trial Court has failed to properly appreciate the scope and ambit of Order XXXIX Rule 2A CPC, which requires clear and cogent proof of willful and deliberate disobedience of the injunction order. It is further contended that the telecast relied upon by the respondent does not amount to violation of the injunction order, and the appellant had acted *bona fide* in the course of journalistic activity. According to the appellant, the alleged program cannot be construed as a defiance of the Court's order, and the Trial Court has erroneously inferred breach of injunction, merely on assumption. It is contended that, the order passed under Rule 2A being penal in nature, the standard of proof required is stringent and finding of a willful disobedience must be supported by clear evidence, which is lacking in the present case. It is therefore contended that the Trial Court has misdirected itself in appreciating the evidence and has mechanically concluded that there was a breach of the injunction order thereby passing an order of civil imprisonment, which is disproportionate and unsustainable in law.

5. *Per contra*, Sri Udaya Holla, learned Senior Counsel appearing for the respondent-plaintiff, seeks to justify the impugned order passed by the Trial Court. It is submitted that the injunction order dated 08.09.2023 was clear and unambiguous, restraining the defendant from telecasting or publishing any material that would damage the reputation of the plaintiff. Despite having knowledge of the said order, the appellant telecast programs portraying the respondent in a derogatory manner, including references describing the respondent in a highly defamatory tone. It is submitted that there cannot be any *laxity* in cases of disobedience of the Court's order, as otherwise the authority of the Court would be reduced to a mere mockery and the administration of justice would be seriously undermined.

6. Reliance is placed on the decision of the Apex Court in ***Anil Ratan Sarkar and Others Vs. Hiral Ghosh and Others***¹ (*Anil Ratan Sarkar*), wherein it is held that willful violation of the Court's order cannot be tolerated and that misunderstanding or self-serving interpretation of the Court's order cannot be accepted as a valid defence. It is therefore submitted that the appellant had willfully and

¹ (2002) 4 SCC 21

deliberately violated the injunction order, under the guise of an untenable interpretation and hence the Trial Court was justified in invoking its power under Order XXXIX Rule 2A of CPC.

7. Before advertng further, it is necessary to notice certain subsequent developments in the course of hearing of the present appeal. Learned counsel for the appellant, Sri R. Swaroop Anand, was heard on 03.03.2026. For want of certain clarification, the matter was posted on 11.03.2026 and thereafter re-listed on 18.03.2026, on which date, learned Senior Counsel for the respondent placed reliance on certain judgments. The matter was then directed to be listed on 01.04.2026 for “dictating orders”. However, as the Bench was not sitting on that day, the matter came to be listed on 09.04.2026. In the interregnum, the appellant filed an application dated 23.03.2026 seeking recall of the order dated 18.03.2026, when the matter was taken up on 09.04.2026, the appellant engaged learned Senior counsel Sri M.R.C. Ravi, whose submissions have been heard.

8. The principal contention now urged by the learned Senior Counsel is with regard to the liability of the appellant, who is stated to be the Managing Director (MD) of the Power TV and not Editor.

Placing reliance on the cause title in the plaint, it is contended that the suit and the application under Order XXXIX Rule 1 and 2 CPC were directed against the Power TV represented by its Editor and the allegation of disobedience is also in relation to the acts attributable to the editorial function. It is therefore submitted that:

- i. The MD cannot be fastened with a liability for telecast or editorial decisions.
- ii. Proceedings under Order XXXIX Rule 2A must be directed against the person actually responsible for the alleged act of disobedience.
- iii. In the absence of specific allegation and proof against the MD, the impugned order is unsustainable.

9. In support of his contention, reliance is placed on the following decisions:

- i. ***Fr. Joseph Kuzhinjalli and Another Vs. Visalakshi and Another²*** (*Fr. Joseph Kuzhinijalli*), to contend that the responsibility for publication lies primarily with the editor or persons in control of content and the proceedings against others without specific role are not maintainable.

² 2024 SCC Online Ker 4518

- ii. ***J.A. Goraswa Vs. The Director General and Inspector General of Police, Gujarat State***³ (*J.A. Goraswa*), to contend that in a contempt type proceedings there must be a specific identification of the person responsible for non-compliance.
- iii. ***Tarafatullah Mandal and Others Vs. S.N. Maitra, I.C.S., Collector and Others***⁴ (*Tarafatullah Mandal*) to emphasize, the proceedings for disobedience require proof of:
 - a) Service of order.
 - b) Specific act of violation.
 - c) Responsibility of the contemnor.
 - d) Occurrence of violation after service.
- iv. Also places reliance upon the Division Bench decision in the case of ***T. Sudhakar Pai and Others Vs. Manipal Academy of Higher Education, represented by its Trustee Dr. H.S. Ballal and Others***⁵ (*Sudhakar Pai*), to contend that the nature and gravity of disobedience must be carefully assessed.

³ 1995 SCC Online Guj 201

⁴ 1951 SCC Online Cal 290

⁵ 2023 SCC Online Kar 41

10. In reply, learned Senior Counsel for the respondent-plaintiff submits that the present appellant, who is the MD of defendant No.52-Power TV cannot now disown responsibility for the acts of disobedience. It is pointed out that the appellant himself has:

- i. Signed and verified the written statement on behalf of defendant No.52.
- ii. Participated in the proceedings before the Trial Court.
- iii. Was personally present on various dates, having full knowledge of the injunction order dated 08.09.2023.

11. It is further contended that the affidavit filed in support of the application under Order XXXIX Rule 2A CPC clearly establishes that the appellant was aware of the subsistence of the injunction order and obligation to comply with the same. Despite such knowledge, the appellant has willfully and deliberately disobeyed the injunction order by telecasting programs on 22.09.2023 and 23.09.2023, which portrayed the respondent in derogatory manner, including the program titled "Dushta IPS Adhikari", which was telecasted for several hours. It is submitted that the appellant himself has entered the witness box and led evidence and therefore cannot now contend that

he is not a person responsible for the violation within the meaning of Order XXXIX Rule 2A.

12. In support of his submissions, learned Senior counsel places reliance on the following decisions:

- i. ***Sudhakar Pai*** stated *supra* to contend that while imposing punishment under Order XXXIX Rule 2A, the Court must consider:
 - a. The nature of gravity of disobedience.
 - b. The manner of violation, and
 - c. The impact on the party affected, particularly where such damage cannot be adequately compensated in monetary terms.
- ii. ***Samee Khan Vs. Bindu Khan***⁶ (*Samee Khan*), to submit that expression “may also” in Rule 2A indicates that the Court has a power to:
 - a. Either attach property or
 - b. Detain the violator in civil prison or
 - c. Adopt both measures simultaneously depending on the facts of the case.

⁶ (1998) 7 SCC 59

- iii. ***Tayabbhai M Bagasarwalla and Another Vs. Hind Rubber Industries Pvt. Ltd. and Others***⁷ (*Tayabbhai M Bagasarwalla*) and ***Rajivkumar Panjabi Vs. Vinod Rode and Another***⁸ (*Rajivkumar Panjabi*) to demonstrate that where disobedience is found to be willful and blatant, Courts have upheld the orders of imprisonment.
- iv. ***Prithawi Nath Ram Vs State of Jharkhand and Others***⁹ (*Prithawi Nath Ram*) to contend that the correctness or otherwise of an order cannot be gone into a proceedings for disobedience and an order of the Court must be obeyed so long as it subsists.

13. It is thus submitted that defence now sought to be raised by the appellant is a sham defence and the Trial Court has rightly exercised its discretion in imposing punishment.

14. In view of the rival contentions and the material placed on record, the points that arise for consideration are:

- i. *“Whether the appellant, who is the MD of defendant No.52-Power TV can be held liable for*

⁷ (1997) 3 SCC 443

⁸ (2017) 12 SCC 777

⁹ (2004) 7 SCC 261

the alleged disobedience of the interim order of temporary injunction dated 08.09.2023?

- ii. *Whether the Trial Court was justified in holding that defendant No.52-MD had willfully disobeyed the interim order of temporary injunction dated 08.09.2023 and consequently directing detention of the appellant in the civil prison for three (3) months under Order XXXIX Rule 2A CPC?"*

Point Nos.(i) and (ii):

15. In order to avoid repetition of facts, both the points for consideration are taken up together and answered.

16. At the outset, it is necessary to extract the scope of Order XXXIX Rule 2A which reads as under:

“2A. Consequence of disobedience or breach of injunction.—(1) In the case of disobedience of any injunction granted or other order made under rule 1 or rule 2 or breach of any of the terms on which the injunction was granted or the order made, the Court granting the injunction or making the order, or any Court to which the suit or proceeding is transferred, may order the property of the person guilty of such disobedience or breach to be attached, and may also order such person to be detained in the civil prison for a term not exceeding three months, unless in the meantime the Court directs his release.

(2) *No attachment made under this rule shall remain in force for more than one year, at the end of which time if the disobedience or breach continues, the property attached may be sold and out of the proceeds, the Court may award such compensation as it thinks fit to the injured party and shall pay the balance, if any, to the party entitled thereto.”*

(Emphasis supplied)

17. Order XXXIX Rule 2A envisages that in the event of disobedience, the Court may proceed against the “person guilty of such disobedience or breach”, the provision significantly, does not restrict its operation to a party, *to the proceedings but employs the expression “person” thereby conferring a wider amplitude*. In this context, the Division Bench of this Court in **Sudhakar Pai** at paragraph Nos.34 to 36 has held as under:

“34. As far as appellants No.2 and 3 are concerned, admittedly they are not parties to the suit. However, the prosecution under Order XXXIX Rule 2A is launched against them on the premise that appellants No.2 and 3 aided and abetted the disobedience or breach of the order by appellant No.1, despite being aware of the restraint order against appellant No.1. Thus, the question is whether the prosecution lies against the persons who are not parties to the proceeding, is to be answered by considering the provision, i.e., Order XXXIX Rule 2A of the Code, which reads as under:

Order 39 Rule 2-A. Consequence of disobedience or breach of the injunction.— (1) *In the case of disobedience to any injunction granted or other order made under Rule 1 or Rule 2 or breach of any of the terms on which the injunction was granted or the order made, the Court granting the injunction or making the order, or any Court to which the suit or proceeding is transferred, may order the property of the **person guilty of such disobedience or breach** to be attached, and may also order **such person to be detained in the civil prison** for a term not exceeding three months, unless in the meantime the Court directs his release.*

(2) *No attachment made under this rule shall remain in force for more than one year, at the end of which time, if the disobedience or breach continues, the property attached may be sold and out of the proceeds, the Court may award such compensation as it thinks fit to the injured party and shall pay the balance, if any, to the party entitled thereto.”*

35. The word used in the provision is “person” and not “party”. It is relevant to note that the expressions “any party to the suit” or “defendant” are used in Order XXXIX Rules 1 and 2 of the Code, which provides for interim prohibitory order.

36. The wisdom of the parliament in using the expression “person” in Order XXXIX Rule 2A of the Code, instead of the words ‘party’ or ‘parties’ is obvious. The expression “person guilty of such disobedience or breach” will have a wider connotation than the expression “party guilty of

such disobedience or breach". The intention is to ensure that the party to the proceeding does not circumvent the order of the Court, disobey or commit the breach of the order, through a person who is not a party to the proceeding. The provision also aims in ensuring that the Court order is obeyed or implemented both in its letter and spirit. Thus, Order XXXIX Rule 2A of the Code is wide enough in its scope and amplitude to punish the person who is guilty of disobedience or breach of a Court order though not a party to the suit. However, to prosecute and punish him, it must be established that;

- (a) he was aware of the Court order,
- (b) he willfully disobeyed the Court order."

(Emphasis supplied)

18. Applying the said principle to the present case, it is necessary to refer the nature of injunction granted by the Trial Court. The order dated 08.09.2023 passed on the application filed under Order XXXIX Rules 1 and 2 restrain the defendants, including the present appellant from broadcasting, telecasting, publishing, circulating or posting any material or program which is defamatory or which portrays the respondent in a negative manner, affecting his reputation pending disposal of the appeal.

19. The operative portion of the order dated 08.09.2023 is extracted below for ready referral:

“Issue ad-interim ex parte temporary injunction restraining the defendants No.1 to 52 as prayed in I.A.No.1 till appearance of all the defendants.

Plaintiff shall comply with the provisions of Order 39 Rule 3(a) of CPC.

After compliance, office is hereby directed to issue certified copy of this orders.

Issue notice on I.A.No.1 along with the suit summons to the defendants if sufficient PF is paid returnable by 30.09.2023.”

20. The injunction order was passed considering the apprehension expressed by the respondent that certain media houses were proposing to telecast programs portraying him, as having links with criminal elements and thereby causing serious prejudice to his reputation. On 11.09.2023, the appellant-defendant No.52 herein entered appearance through his learned counsel and filed his written statement. Subsequently, the respondent filed Miscellaneous No.102/2023 under Order XXXIX Rule 2A read with Section 151 CPC, contending that despite the subsistence of the injunction order, the appellant's channel has telecast programs and news discussions portraying the respondent in a derogatory manner. The allegation was that the telecast contained statements and discussions referring to the

respondent in a negative manner, including describing him in a manner suggesting misconduct and wrongdoing in the discharge of his official duties.

21. Annexure-R4 is produced by the respondent along with the objections which is the written statement, at paragraph No.1 it is stated as under:

"1) That Defendant No.52 Power Smart Media is represented by its Managing Director, Powersmart Media Pvt. Ltd., called as Power TV which is a broad casting company, promotes 24-hour news channel. The Power TV covers India extensively and makes news stories available within minutes to the broadcast channels. The vision of Power TV is to build a "better society" by serving the public with more accurate and relative news. The Head Office of Power TV is situated in Bengaluru.

Defendant No.52 has been in TV-related business for the past several years and during the course of business he is to relay the thorough story and events that occur in the society. Defendant No.52 has his own investigating team to collect true facts of the events that occur in various parts of Cities as well as the State. During the course of collecting evidence, the investigating team of the Defendant No.52 came across atrocious attitude of the Police Department. The Investigating Team conducted interview of group of persons and through them collected information about the harassment meted to

them by the Police Department. It was revealed by one Sri. K.G. Krishna that the Plaintiff herein had got initiated five criminal cases one after the other against him, of which few pertaining to crimes alleged to have been committed years ago.”

(Emphasis Supplied)

22. The verification in the written statement is by none other than the Managing Director, which reads as under:

“VERIFICATION

I, Mr. Rakesh S Shetty, Managing Director Power TV, Defendant No.52 in the above case do hereby verify that the averments in paras 1 to 36 of the above-written statement are true and correct to the best of my knowledge information and belief.”

23. The appellant has actively participated in the proceedings. The appellant has led evidence on behalf of defendant No.52. He has filed an application for setting aside the interim relief granted on 08.09.2023. The affidavit is being sworn to by the Managing Director. Therefore, the contention that there are no specific pleadings against the MD or that the cause title was not amended cannot be accepted.

24. The Trial Court, after considering the evidence placed on record, including photographs, electronic recordings, and other

materials, recorded a finding that the telecast in question had indeed portrayed the respondent in a derogatory manner and that such telecast had taken place subsequent to the injunction order dated 08.09.2023, which was broadcasted on 22.09.2023 and 23.09.2023. The Trial Court recorded that the appellant had knowledge of the injunction order and yet proceeded with telecast, thereby committing willful disobedience of the order of the Court.

25. The material on record discloses that the program telecast was by the appellant-channel against the respondent on 22.09.2023 and 23.09.2023, contained references portraying the respondent as “Dushta IPS Adhikari”, including program titled “Power Breaking”, wherein the respondent's photograph in police uniform was displayed along with captions and news sticker branding him as “Dushta IPS”, and alleging conspiracy, extortion, harassment of business, running a gang of settlements and targeting innocent and powerless persons, thereby projecting the respondent in a negative spectrum before the public. The tenure and contents of the program clearly indicate that the respondent was depicted in a manner that directly attracted the prohibition contained in the injunction order.

26. Learned counsel for the appellant sought to contend, that the telecast was based on certain complaints and communications, allegedly received by the channel and that the program was part of the journalist exercise of reporting matters of public concern. It is further submitted that the appellant, had acted on the basis of the information received and the telecast cannot be construed as a deliberate violation of the injunction order.

27. This Court is unable to accept the said contention. Even assuming that certain complaints or communications were received by the appellant or the letters had been forwarded, alleging allegations against the respondent, such circumstances would not confer liberty upon the appellant to broadcast programs or telecasts discussing or portraying the respondent in a derogatory manner, particularly when a clear order of injunction restraining such telecast was operating.

28. The injunction order passed by the Court was explicit in restraining the defendants from publishing or telecasting any material portraying the respondent in a negative spectrum. Once such an order has been passed, the appellant was bound to strictly comply with the same. The appellant could not have taken up itself the liberty to interpret the order in a manner that would justify telecasting programs

referring to the respondent as “Dushta IPS Adhikari”, or making similar insinuations.

29. If the appellant was of the view that the injunction order required clarification or that certain materials could legitimately be reported notwithstanding the order, the appropriate course would have been to approach the Court for necessary clarification or modification. Instead the appellant chose to proceed with the telecast which clearly had effect of undermining the impugned order.

30. Therefore, the defence sought to be projected by the appellant that the telecast was based on certain complaints or that the channel was merely presenting certain clippings or discussions cannot absolve the appellant of the consequences of disobedience of the injunction order. The Trial Court has carefully analyzed the evidence placed on record and has recorded a categorical finding that the telecast in question amounted to the violation of the Court's injunction order.

31. Once the injunction order is directed against the entity, the person in control and responsible for its functioning shall fall within the ambit of the expression “person guilty of disobedience”. The

reliance placed by the appellant on the judgments of **Fr. Joseph Kuzhinjalli, J.A. Goraswa** and **Tarafatullah Mandal** are distinguishable inasmuch as those cases deal with strict requirements of contempt jurisdiction or the absence of specific identification of the contemnor, whereas in the present case, the appellant is not a stranger, the appellant is the MD, who has filed his objections, who has led his evidence and has participated in the proceedings. It is also relevant to note that the pen drive which has been produced by the respondent during the course of the argument was played, the video depicted the MD in the screen. Thus, the ratio which the appellant rely cannot be applied to defeat the operation of the order under Order XXXIX Rule 2A CPC.

32. The Division Bench in **Sudhakar Pai's** case at paragraph No.74 has held as under:

*“74. For the aforesaid reasons, considering the object of the provision, an order directing civil imprisonment should not be passed as a matter of course. To pass an order for civil imprisonment, the Court has to take into account **one or more factors or circumstances** namely;*

(a) the nature/gravity of the disobedience or breach, and the manner in which order is violated,

- (b) *the loss caused to the party on account of disobedience or breach,*
- (c) *whether the damage caused can be restored in some way or the other or is something irreversible,*
- (d) *circumstances under which the breach or disobedience is committed,*
- (e) *whether the breach or disobedience complained is an isolated act or it is a continuous act,*
- (f) *previous history, if any, where the contemnor is held guilty of breach or disobedience of the Court order,*
- (g) *whether the case calls for a situation where the message is to be sent, by passing an order of civil imprisonment, that willful breach or disobedience of the Court order will be viewed seriously,*
- (h) *and more importantly, the Court has to consider whether civil imprisonment is an effective way to prevent a further breach,*
- (i) *the timing of the apology if any, tendered by the contemnor, the tenor and tone of the language used in the affidavit tendering the apology,*
- (j) *the compliance if any, made to undo the disobedience or breach complained,*
- (k) *to an extent, the educational qualifications/positions of the contemnor and whether the acts committed by the contemnor make mockery of the Court order.”*

33. Applying the said principle and the settled proposition of law that the Court must take into consideration the nature and gravity of the disobedience and the consequences following from such place,

it is seen that the injunction order dated 08.09.2023 was in force, the appellant had the knowledge of the order. Despite such knowledge, telecast was made on 22.09.2023 and 23.09.2023. The content including the program referring to the respondent as “Dushta IPS Adhikari”, clearly falls within the prohibited order. The material on record including the electronic evidences, establishes the violation was not accidental but conscious and willful.

34. The contention that the telecast was based on complaints or that it was a journalistic exercise cannot be accepted as:

- i. A subsisting injunction order must be obeyed.
- ii. Its correctness cannot be questioned in such proceedings and unilateral interpretation is impermissible.

35. The Apex Court in the case of **Samee Khan** has held at paragraph No.15 as under:

“15. Hence the words “and may also” in Rule 2-A cannot be interpreted in the context as denoting a step which is permissible only as additional to attachment of property of the opposite party. If those words are interpreted like that, it may lead to an anomalous situation. If the person who defies the injunction order has no property at all, the court becomes totally powerless to deal with such a disobedient party. He would be immuned from all consequences even for any open

defiance of a court order. No interpretation shall be allowed to bring about such a sterile or anomalous situation (vide Constitution Bench in Vidyacharan Shukla v. Khubchand Baghel [AIR 1964 SC 1099]). The pragmatic interpretation, therefore, must be this: it is open to the court to attach the property of the disobeying party and at the same time the court can order him to be detained in civil prison also if the court deems it necessary. Similarly the court which orders the person to be detained in civil prison can also attach the property of that person. Both steps can be resorted to or one of them alone need be chosen. It is left to the court to decide on consideration of the fact situation in each case.”

(Emphasis supplied)

36. The Apex Court in the case of **Anil Ratan Sarkar** at paragraph Nos.22 and 23 has held as under:

“22. In the contextual facts there cannot be any laxity, as otherwise the law courts would render themselves useless and their order to utter mockery. Feeling of confidence and proper administration of justice cannot but be the hallmark of Indian jurisprudence and contra-action by courts will lose its efficacy. Tolerance of law courts there is, but not without limits and only up to a certain point and not beyond the same.

23. In the wake of the aforesaid, we do find that the respondents have wilfully and deliberately violated the orders of this Court in the guise of a totally non-acceptable and sham defence of understanding and thus rendered themselves

punishable under the provisions of Article 142 of the Constitution and also under the Act of 1971."

(Emphasis supplied)

37. The Apex Court in the case of **Tayabbhai M. Bagasarwalla** (*supra*) held at paragraph Nos. 5, 8, 27 and 32 as under :

"5. On 2-12-1991, the Civil Court allowed the application/motion filed by the appellant-landlord against Defendants 1 and 2 under Order 39 Rule 2-A of the Civil Procedure Code. It would be appropriate to notice the findings recorded in the said order. The court found, on a consideration of the material placed before it, "that the construction is, to say the least massive. Some of the photographs show construction materials being certain iron girders, columns and beams being brought to the suit premises. The columns which are erected are shown to be dug from the ground itself right upto the first floor level..... These photographs also show massive reconstruction work in progress right from the ground floor. There can be absolutely no doubt that the suit premises as they were on the date of the injunction order and on the date of the Architect's visit to the suit premises have been altered beyond comprehension". The Civil Court also dealt with the plea of the first defendant that the said construction has not been put up by Defendants 1 and 2 but by other tenants and, in particular, by Defendants 3 and 4. The court rejected the said theory holding that the fourth respondent has been put

forward as a proxy who has voluntarily taken the blame upon himself. The court found "the work carried out.....is after the injunction order and hence is in breach of it. The Respondent No.4 has both callously and impertinently come to the rescue of Respondent No.2". The court finally found: "it can be seen from the photographs that construction activities have been carried on undeterred by the order of injunction. In fact, it has been continued despite applications to set aside that order and despite police warnings in respect of above..... The breach of the order is more than substantiated. The disobedience of Respondent No.2 acting on behalf of the first defendant is clearly shown". Accordingly, the court committed the second defendant-respondent to imprisonment for a period of one month. The court made the following further significant direction:

"Since the construction is clearly both unauthorized and in breach of the order of injunction and since there are no ad interim orders passed in the first defendants suit No. 4597 of 1987 in the Chamber Summons the 3rd defendants shall forthwith take action under their notice dated 23.5.91. The Court Receiver has already been appointed Receiver of the property in the plaintiff's Notice of Motion No. 949 of 1991. The Court Receiver shall take possession of the suit premises and seal the same until the 3rd defendants act upon their notice dated 23.5.91. The first defendant shall pay costs of this Notice of Motion fixed at Rs.1,000/- condition precedent."

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8. *The learned Judge then referred in extenso to the elaborate material placed before him and recorded the finding that all these reports clearly indicate that there is willful and blatant breach of order of injunction passed by the City Civil Court.*

"It is clear that in breach of the injunction order, there has been construction. The breach is wilful and blatant. The extent to which the Appellants have gone is also indicated by the fact that, as stated above, in spite of knowledge of order of this Court, the Commissioner appointed by this court was initially obstructed. To the Court it is very clear that here is a party who has absolutely no regard for the orders of the court. Such a party must be made to bear the consequences of their own action.....To the Court it is clear that the applicants have chosen to wilfully and blatantly flouted the order of injunction. It may be that the Applicants have a very good case. However, no matter how good a case a party has, in my view, it is not open to a party to flout orders of courts. If a party wilfully flouts an order of the court then such party can expect no equitable relief from the court. Such a party must be made to bear the consequences of his action. Otherwise all parties will ignore or flout orders of courts. When caught they would then throw themselves at the mercy of the court. In my view, in cases like this, the party in default must not be allowed to enjoy the benefits of his action. To appoint Applicants as Agent of the Court Receiver would

amount to giving them benefit of their wrong. In my view, the order dated 28.7.1991 must be and is sustained. The application to appoint the Applicants as agents of Court Receiver is rejected.

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27. The learned counsel for Defendants 1 and 2 submitted that this is not a proceeding for contempt but a proceeding under Rule 2-A of Order 39 of the Civil Procedure Code. The learned counsel submitted that proceedings under Order 39 Rule 2-A are a part of the coercive process to secure obedience to its injunction and that once it is found that the Court has no jurisdiction, question of securing obedience to its orders any further does not arise. Learned counsel also submitted that enforcing the interim order after it is found that the Court had no jurisdiction to try the said suit would not only be unjust and illegal but would also reflect adversely upon the dignity and authority of the Court. It is also suggested that the plaintiff had instituted the present suit in the Civil Court knowing full well that it had no jurisdiction to try it. It is not possible to agree with any of these submission not only on principle but also in the light of the specific provision contained in Section 9-A of Code of Civil Procedure (Maharashtra Amendment). In the light of the said provision, it would not be right to say that the Civil Court had no jurisdiction to pass interim orders or interim injunction, as the case may be, pending decision on the question of jurisdiction. The orders made were within the jurisdiction of the Court and once this is so, they have to be obeyed and implemented. It is not as if the defendants are

being sought to be punished for violations committed after the decision of the High Court on the question of jurisdiction of the Civil Court. Here the defendants are sought to be punished for the disobedience and violation of the order of injunction committed before the decision of the High Court in Vishanji Virji Mepani. According to Section 9-A, the Civil Court and the High Court did have the power to pass interim orders until that decision. If they had that power they must also have the power to enforce them. In the light of the said provision, it cannot also be held that those orders could be enforced only till the said decision but not thereafter. The said decision does not render them (the interim orders passed meanwhile) either non-est or without jurisdiction. Punishing the defendants for violation of the said order committed before the said decision (Vishanji Virji Mepani) does not amount, in any event, to enforcing them after the said decision. Only the orders are being passed now. The violations are those committed before the said decision.

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32. *Insofar as Defendant No. 2 (Sri K.S. Jhunjhunwala) is concerned, the order of the Civil Court holding him guilty of contempt and sentencing him to one month's imprisonment is affirmed."*

38. In the case of **Rajivkumar Panjabi**, for willful disobedience, one month imprisonment has been upheld by the Court. The disobedience of Court orders cannot be tolerated,

punishment may include civil imprisonment, and the Courts must protect the authority of judicial orders. This Court finds no fault with the Trial Court's conclusion that disobedience was willful. However, it is equally necessary to note that the language of Order XXXIX Rule 2A confers discretion on the Court to:

- i. Attach the property.
- ii. To detain in civil prison or
- iii. Adopt appropriate measures depending on the facts.

39. On re-appreciation of the material on record, this Court does not find any perversity or illegality in the said finding. On the contrary, the material clearly establishes that the appellant had the knowledge of the injunction order and yet proceeded to broadcast programs portraying the respondent in a derogatory manner, thereby violating the provisions of Order XXXIX Rule 2A of CPC. The Courts cannot permit orders of injunction to be disregarded on basis of an unilateral interpretation by the parties. If such conduct is tolerated, the authority of judicial orders would be seriously undermined and the administration of justice would be rendered ineffective. The Apex Court in **Anil Ratan Sarkar's** case has held that disobedience of Court orders cannot be condoned under the guise of

misunderstanding or self-serving interpretation and that tolerance of such conduct would result in making Court orders a mockery.

40. In the present case, the appellant has failed to demonstrate any valid justification for the telecast in question. The evidence placed on record clearly establishes that the program telecast by the appellant-channel portrayed the respondent in a negative spectrum, in violation of the injunction order. Accordingly, this Court is of the considered view that the Trial Court was justified in holding that the appellant has willfully violated the interim injunction order dated 08.09.2023.

41. There cannot be any dispute with regard to the proposition that the press and media enjoy the fundamental right to disseminate information and report matters of public interest. The freedom of press constitutes an essential component of democratic governance and facilitates transparency in public administration. However, it is equally settled that the right guaranteed under Article 19(1)(a) of the Constitution of India is not absolute and is subject to reasonable restrictions. One of the important facets recognized by Constitutional jurisprudence is the right of reputation, which forms an integral part of the right to life and personal liberty under Article 21 of

the Constitution. The reputation is a valuable facet of human dignity, and the protection of reputation is a legitimate Constitutional interest.

42. In the present case, the injunction order passed by the Trial Court was specifically intended to maintain a balance between the competing interest of freedom of press and the right of reputation of the respondent, who is a public official serving in a responsible position. Once the competent Court has passed an order of injunction restraining the publication or telecast of a material affecting the reputation of a party, the same is required to be strictly complied with, by all concerned. The freedom of speech cannot be invoked as a justification to disregard and undermine a subsisting judicial order. The Constitutional guarantee under Article 19(1)(a) of the Constitution does not extend to permitting parties to ignore or circumvent the authority of Courts. Permitting such conduct would seriously undermine the rule of law and erode public confidence in administration of justice. Therefore, the defence sought to be projected by the appellant that the impugned telecast was part of the journalistic reporting cannot be accepted, in the facts of the present case, particularly when the program telecast by the appellant-channel clearly portrayed the respondent-plaintiff in a derogatory manner in

violation of the injunction order. Once the order of injunction was brought to the notice of the appellant, the appellant was bound to desist from broadcasting or circulating any material falling within the scope of the restraint imposed order.

43. The Courts cannot permit their orders to be rendered ineffective by unilateral interpretation of selective compliance by the parties. As held by the Apex Court in **Anil Ratan Sarkar**, tolerance of disobedience of Court orders cannot extend beyond a certain limit, failing which the authority of Courts would be reduced to a mere mockery, and confidence of the public in the administration of justice would be seriously eroded.

44. For the foregoing reasons, this Court finds no reason to interfere with the finding recorded by the Trial Court that the appellant had willfully violated the interim injunction order dated 08.09.2023.

45. The power exercised under Order XXXIX Rule 2A of CPC is essentially intended to secure compliance with the order of injunction. The provision enables the Court to adopt appropriate measures to ensure obedience to its order. In the present case, while the finding of the willful violation recorded by the Trial Court does not

call for any interference, this Court is of the view that the ends of justice would be met by modifying the judgment of punishment, directing the appellant to issue a clarification in the channel, expressing regret of the violation of the Court's order, and to strictly adhere to the injunction order thereafter.

46. Accordingly, the points framed for consideration are answered and this Court pass the following:

ORDER

- i. The Miscellaneous First Appeal is hereby ***dismissed***.
- ii. The finding recorded by the Trial Court in Miscellaneous No.102/2023 holding that the appellant-defendant No.52 had willfully disobeyed and violated the interim order of temporary injunction dated 08.09.2023 passed in O.S.No.1602/2023 is hereby ***confirmed***.
- iii. However, having regard to the peculiar facts and circumstances of the case and in exercise of the discretion vested in this Court, the direction issued by the Trial Court, detaining the appellant in the civil prison for a period of three (3) months is modified to detaining the appellant in civil prison for one(1) day, which is subject to appellant-defendant No.52 shall:
 - a. File an affidavit of undertaking before the Trial Court undertaking that the appellant shall strictly

comply with the order of temporary injunction dated 08.09.2023 and shall not telecast or publish any material in violation of the said order.

- b. Broadcast a statement in its news channel seeking apology about the earlier telecast relating to the respondent expressing regret for the violation of the order of the Court, which material shall be placed before the Trial Court.
 - c. Clause (a) and (b) to be complied within two weeks from date.
 - d. Pay a cost of `50,000/- to the respondent-plaintiff, which shall be deposited before the Trial Court within a period of four (4) weeks from date.
- iv. In the event of failure to comply with the above directions within the stipulated time, benefit of modified order is not available and the order of the Trial Court directing civil imprisonment shall stand revived and become enforceable.
- v. The Trial Court shall proceed with the suit expeditiously in accordance with law.

Sd/-

JUSTICE K.S. HEMALEKHA

AT/CKL