

case it is observed that:

"The right to privacy as an independent and distinctive concept originated in the field of Tort law, under which new cause of action for damages resulting from unlawful invasion of privacy was recognised. This right has two aspects which are but two faces of the same coin(1) the general law of privacy which affords a tort action for damages resulting from an unlawful invasion of privacy and (2) the constitutional recognition given to the right to privacy which protects personal privacy against unlawful governmental invasion.

Applying the above principles, it must be held that the petitioners have a right to publish, what they allege to be the life story/autobiography of Auto Shankar insofar as it appears from the public records, even without his consent or authorisation. But if they go beyond that and publish his life story, they may be invading his right to privacy and will be liable for the consequences in accordance with law. Similarly, the State or its officials cannot prevent or restrain the said publication. The

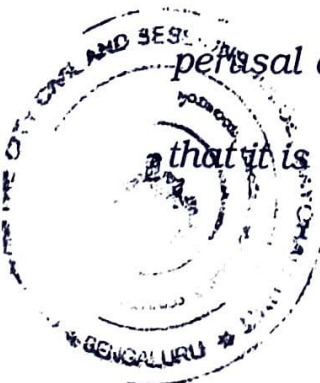


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remedy of the affected public officials/public figures, if any, is after the publication, as explained hereinabove.

29. So in the above observation, the Hon'ble Apex court has clearly explained the scope of right of privacy and when it can be said as violated or not violated and also remedies available for violation of right of privacy by an individual or by state.

30. Herein, this case, the plaintiff, at this initial stage, she only produced news paper/web page advertisements and invitation card regarding commencement of shooting of web series with respect to "Veerappan, Hunger for Killing". So at this initial stage, it cannot be anticipated that defendants are going to project the husband of the plaintiff in a bad or objectionable manner. It is further significant to note, on perusal of entire pleadings of the plaintiff, it is obvious that it is not the case of the plaintiff that in the proposed

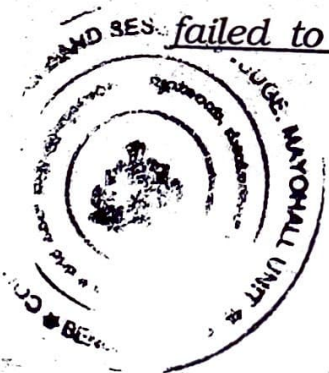


web serial, defendants are projecting the plaintiff or her daughters in any bad or objectionable manner, whereas her apprehension is only with respect to projecting of her deceased husband Mr. Veerappan in bad or objectionable manner, so under such circumstances, as I have already stated that information regarding late Mr. Veerappan is already available in public domain in various modes like earlier movies, publications police records including court records, so under such circumstances, the right to privacy no longer subsists and it becomes a legitimate subject for comment by press and media among others. So, the plaintiff cannot seek an order of TI restricting the defendants, who are film makers to express their view on said public information by way of web series by making use of information, which is already available in public domain, moreover this court cannot ignore the fact that defendants also have fundamental right of



freedom of speech and expression to express their view based on public information on Mr. Veerappan and defendants also have freedom of profession and occupation to make film as guaranteed under article 19 of Indian Constitution. It is further significant to note, even for the sake of arguments, if defendants, while making proposed web series go beyond their limits and project anything bad with respect to plaintiff and her daughters in the said web series, then the defendants are liable for consequences in accordance with law that is to say they are liable for paying damages, in other words, plaintiff can be compensated in terms of money as observed by Hon'ble Apex Court in above sated R. Rajgopal Case.

31. Hence, I am of the clear opinion that plaintiff has failed to make out prima-facie case, so when she failed to prove prime ingredient of prima-facie case to



obtain temporary injunction, then question of considering other points like balance of convenience and irreparable injury do not survive for consideration as observed by Hon'ble Apex Court in the Judgment reported in AIR 2010 SC 269 (Kashi Math Samsthan @ another Vs. Srimad Sudhindra Thirtha Swamy and another),

32. Coming to the Judgments of Hon'ble Apex Court and High Courts, relied by learned counsel for plaintiff that is:

(2012) 3 MWN 171 (Selvi J.Jayalalithaa Vs. Penguins Books India): (2008) 5 CTC 228 (R.Sukanya Vs. R.Sridhar and others): (1995) DLT 154 (Phoolan Devi Vs. Shekhar Kapoor and others): will not helpful to the arguments of learned counsel for plaintiff, hence I don't find any force in the arguments of learned counsel for

plaintiff. Hence, I hold point No.1 in the Negative



and point No.2 and 3 do not survive for consideration.

33. Point No. 4:- In view of the discussions made supra, I proceed to pass the following:-

ORDER

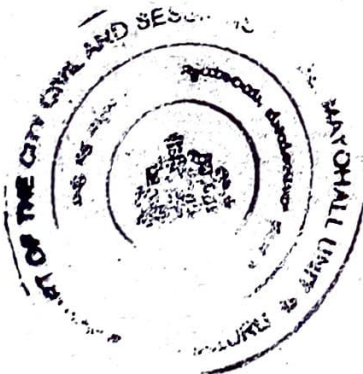
I.A. No.I filed by Plaintiff Under Order 39 Rule 1 and 2 R/w Sec. 151 of CPC is hereby dismissed.

No order as to costs.

[Dictated to the Stenographer directly on computer, after computerization, corrected, signed and then pronounced by me in the open Court on this the 15th day of November 2022].


[V. NAGARAJA]

15/11/2022
IV Addl. City Civil & Sessions Judge,
Mayo hall, Bengaluru.



RF no - 14152/22
₹ 150/-

(46)

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ನಗರ ಸಿಬ್ಬೆ ವ್ಯಾಯಾಮ, ಬೆಂಗಳೂರು
ಈ ಸಂಬಂಧದಲ್ಲಿ ನಡೆಸಲಾಗುವ ಕಾರ್ಯದ ಯಾವ
ಫಲವೂ ಈಗಾಗಲೇ ನಮಗೆ ಪ್ರತಿಯಾಗಿ,
ನಿರೀಕ್ಷಿಸಲಾಗಿದೆ.

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