

CS No.:  
Abhay Gupta VS. NetFlix Entertainment Services India LLP

28.04.2020

Abhay Gupta  
E-11, Jangpura Ext.  
New Delhi-110014

Also At:  
A118, Flat No. 10  
Panchsheel Vihar, Malviya Nagar,  
New Delhi-110017

.....Plaintiff

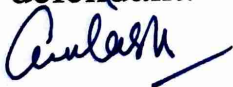
Versus

Netflix Entertainment Services India LLP  
Maker Maxity, Level 7, 4th North Avenue  
Bandra Kurla Complex, Bandra East Mumbai  
Mumbai-400051

..... Defendant

**ORDER ON APPLICATION UNDER ORDER 39 RULE 1 & 2**  
**CPC.**

1. This is a suit for permanent and mandatory injunction filed by plaintiff Abhay Gupta against Netflix Entertainment Services India LLP for removal of defamatory contents in web series "Hasmukh" being aired on www.netflix.com belonging to the defendant.



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2. It is contended by the plaintiff that he is lawyer and he is filing the suit in his personal capacity. The profession of law by lawyers is a noble profession and the said web series has defamed lawyers.

3. It is submitted that in the said web series Hasmukh, the lawyers are stated to be thieves, scoundrels, goons and have been addressed as rapist. He has referred to certain quotes in Episode 4 of season 1 of the web series and the same is reproduced as below—

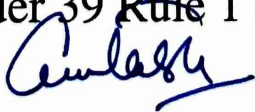
‘.....Aisa pehla seher dekha hai humne jahan chor bhi bade amer hote hai. Lekin yaha unka naam chor nahi VAKEEL hota hai.Appkey Vakeel sabse bade kammeney aur chor hote hai. Ye Kanoon k thekedaar, jo kabhi nahi honge giraftaar, kyuki yeh kalam ke sath karte hai apka balatkar.....Mai kehta hu Mumbai me kanoon Gnada hota hai kyuki har vakeel ke haath me chota sa itna danda hota hai...

4. It is submitted that such contents in the said web series are highly defamatory to the lawyers and he being one of them is hurt. He has sent a legal notice to the defendant to stop airing the said web series. However, nothing has happened and as a result he is filing the present suit. Through the present application, he is seeking an ex-parte ad-interim injunction against the defendant from showing the said web series.



5. After hearing the arguments and perusing the record, it is seen that this is suit for injunction and not a suit for defamation. It is alleged that the web series Hasmukh in Episode 4 of season 1 contains remarks derogatory of the lawyers. Firstly, there is no remark made against the plaintiff in particular. The remarks are general in nature. Secondly, in a free and democratic society, there is freedom of speech and expression. If a particular comedy webseries 'Hasmukh' makes any remarks, it has to be read and seen in the context of artistic expression, comedy or satire and not taken literally to contend that lawyers are being abused. Law is a noble profession and so are the lawyers but the plaintiff cannot contend that he is defamed as he is a lawyer and certain expression has been used in a webseries against the lawyers in general. Any artistic expression in any artistic work has to be seen in the context of the work itself. Thus, there is no reason for allowing the prayer of the plaintiff directing the defendant to stop showing the said webseries "Hasmukh".

Since there is no prima facie case or balance of convenience in favour of plaintiff, hence, the present application for ex-parte interim injunction under Order 39 Rule 1 and 2 CPC is dismissed.



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6. Put up for consideration / maintainability of the suit on  
**06.07.2020.**

Copy of this order be uploaded on the website and also  
emailed as per the protocol for onward transmission to the  
concerned party.

  
(AMITABH RAWAT)

Duty Additional District & Sessions Judge, South-East  
(Due to lockdown in pursuant to COVID-19 epidemic)  
Saket Courts, New Delhi 28.04.2020.