

X vs Y on 4 June, 2021

Author: Jayant Nath

Bench: Jayant Nath

\$~05-6

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS (OS) 275/2021 & I.As. 7394-7400/2021

X

... Plaintiff

Through

Ms.Meenakshi Arora, Sr. Adv.
Mr.Ankur Mahindro,
Taneja and Ms.Sanjoli Mehrotra
Adv.

versus

Y

... Defen

Through

Mr.Saurabh Sharma, Adv. for
Defendant No.1.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 04.06.2021 This hearing is conducted through video conferencing.

CS (OS) 275/2021 Let the plaint be registered as suit.

Issue summons to the defendants. Learned counsel for defendant No.1 accepts summons. Summons be issued to defendant No.2 by e-mail and speed post, returnable for 07.09.2021.

1. This is an application praying that all the hearings / proceedings of the present matter shall be conducted "in-camera".

2. The request of learned counsel for the plaintiff is accepted. Today's hearing was conducted through a separate link of video conferencing which was not accessible to other learned counsels not connected to this case.

3. Issue notice to the defendants. Learned counsel for defendant No.1 accepts notice. Notice be issued to defendant No.2 by e-mail and speed post, returnable for 07.09.2021.

4. Reply be filed within four weeks. Rejoinder, thereto, if any, be filed within four weeks thereafter.

5. List on 07.09.2021.

1. This is an application seeking masking of the name of all parties directly or indirectly involved in the present suit.

2. Application is allowed subject to just exceptions. I.A. 7397/2021(seeking leave to file redacted version of documents) Allowed subject to just exceptions.

1. This is an application filed by the plaintiff under Section 151 CPC to restrain the defendants, their agents etc. from disseminating directly or indirectly in any form any information / document / details with regard to present proceedings to any other third party.

2. Learned counsel for defendant No.1 states that there is no reason to disseminate any such any information / document / details with regard to present proceedings to any other third party / media.

3. Both the parties are restrained from disseminating documents, details etc. to any other third party.

4. Keeping in view the nature of the matter where alleged allegations are being made against the plaintiff by the defendant which are personal to the plaintiff and if made public will cause personal embarrassment to the plaintiff. Media concerns are also restrained from reporting the said proceedings.

5. Issue notice. Learned counsel for defendant No.1 accepts notice. Notice be issued to defendant No.2 through speed post and e-mail, returnable for 07.09.2021.

6. Reply be filed within four weeks. Rejoinder, thereto, if any, be filed within four weeks.

7. List on 07.09.2021.

I.A. 7399/2021(for court fees) Court fees be filed within six weeks.

Application is disposed of.

I.A. 7400/2021(exemption) Allowed subject to just exceptions.

1. This is an application under Order 39 Rules 1 and 2 CPC seeking the following reliefs:

"a. Restraining the Defendants, their family members, agents or associates or person(s) acting through either directly or through any person from publishing, re-publishing, releasing, circulating, transmitting, distributing or publishing in any manner to public means either through print, electronic or internet medium or otherwise (in India or abroad), the morphed salacious material stated in Paragraph No. 1 of the Plaint or any morphed salacious material involving the Plaintiff or purporting to involve the Plaintiff and/or any morphed salacious material similar thereto;"

2. It is the case of the plaintiff that plaintiff and defendant No.1 were married on 02.04.2010. A son was born in 2012 and second son was born in 2015.
3. It is stated that on 27.03.2021 defendant No.1 deceptively drove the plaintiff to her sisters's house wherein defendants and their family hurled abuses on the plaintiff and narrated a concocted story of plaintiff having had affairs with multiple men. Defendant No.1 claimed possession of videos and photographs containing plaintiff in compromising situation. Some glimpses of the said recordings were shown by defendant No.1 which were evidently morphed in a manner that they looked believable to a certain extent. It is pleaded that in the midst of abuse and emotional turmoil, the defendants and their family members coerced the plaintiff to sign various documents under duress.
4. Learned senior counsel for the plaintiff states that the defendants are harassing and threatening the plaintiff to release in public domain the morph videos and other material. The threat is being hurled out to pressurise the plaintiff to accede to all illegal and unwarranted demands of the defendants namely, to surrender all her rights in common properties and visitation rights to the children.
5. Plaintiff has made out a prima facie case. Defendants cannot be permitted to place in public domain malicious objectionable videos / photographs of the plaintiff.
6. At this stage, learned counsel has entered appearance for defendant No.1.
7. Learned counsel for defendant No.1 states that defendant No.1 has initiated divorce proceedings in an appropriate court at Gurugram. He further states that other than producing the video before the said court as per law defendant No.1 shall not put the video or any other material which is defamatory or injurious to the plaintiff in public domain.
8. Defendant No.1 shall remain bound by the above submission.
9. Defendant No.2 is restrained by an ex parte injunction in terms of prayer as noted above.
10. At this stage, learned senior counsel for the plaintiff has relied upon the judgment of the Division Bench of this court in X vs. Z being 2015 SCC OnLine Del 10054 to plead that trial court while considering the alleged videos would take into account the said legal position.
11. Plaintiff to comply with the Order 39 Rule 3 CPC within one week from today.
12. Issue notice. Learned counsel for defendant No.1 accepts notice. Notice be issued to defendant No.2 through speed post and e-mail, returnable for 07.09.2021.
13. Reply be filed within four weeks. Rejoinder, thereto, if any, be filed within four weeks.
14. List on 07.09.2021.

JAYANT NATH, J.

JUNE 4, 2021/st