

Documents) Original Documents) T.V. ... vs Anurag Srivastava & Ors on 24 September, 2020

Author: Mukta Gupta

Bench: Mukta Gupta

\$~2

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(OS) 278/2020
I.A. 8512/2020 (under Order XXXIX Rule 1 and
I.A. 8513/2020 (under Section 151 CPC-leave to
documents)
I.A. 8514/2020 (under Order XIII Rule 1 CPC-
original documents)
I.A. 8515/2020 (exemption from filing compl
T.V. TODAY NETWORK LIMITED
Represented by: Mr.Hrishikesh Barua
Jain, Advocates.
versus

ANURAG SRIVASTAVA & ORS. ...
Represented by: None for D1
Mr.Deepak Gogia, Ad
Twitter Inc.
Mr.Neel Mason, Mr.V
Ms.Sanyukta Banerji
Umapathy, Advocates
LLC.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA
ORDER

% 24.09.2020 The hearing has been conducted through video conferencing. I.A.8514/2020 (exemption from filing original documents)

1. Original documents, if any, be filed within two weeks of the resumption of the normal Court functioning.

2. Application is disposed of.

Signing Date:24.09.2020 22:18:53 This file is digitally signed by PS to HMJ Mukta Gupta I.A. 8513/2020 (under Section 151 CPC-leave to file additional documents)

1. Plaintiff is permitted to file additional documents within 30 days.

2. Application is disposed of.

I.A.8515/2020 (exemption from filing court fee)

1. By this application, the plaintiff seeks extension of time for filing the Court fees.

2. Court fees be filed within two weeks.

3. Application is disposed of.

CS(OS) 278/2020 I.A. 8512/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Plaint be registered as a suit.

2. Issue summons in the suit and notice in the application to the defendants.

3. Learned counsels appearing for the defendant Nos. 2 and 3 accept summons in the suit and notice in the application.

4. Issue summons in the suit and notice in the application to the defendant No. 1 on the plaintiff taking steps through Email, SMS, Whatsapp, speed post and courier, returnable before this Court on 22nd January, 2021.

5. Written statements to the suit and reply affidavits to the application along with the affidavits of admission-denial will be filed within thirty days. Replication and rejoinder affidavit along with the affidavit of admission- denial within three weeks thereafter.

6. The present suit has been preferred by the plaintiff which is a media conglomerate and transmits & broadcasts the news etc. through print media as well as electronic media. The plaintiff is also engaged in diverse business Signing Date:24.09.2020 22:18:53 This file is digitally signed by PS to HMJ Mukta Gupta activities ranging from printing and publishing of magazines, journals, periodicals and newspapers to the running of news channels, infotainment channels, organizing conferences, seminars etc.

7. By this suit, the plaintiff seeks decree of permanent and mandatory injunction against the defendant No. 1 restraining him from making the systematic attack on the plaintiff's reputation by making false and baseless tweets. The offending tweets are mentioned at pages 121, 123 and 124 of the plaintiff's documents, which, inter alia, show that the defendant No. 1 is leveling allegations against the plaintiff and one of its main anchors of having taken a sum of 8 Crores to interview a personality presently in news. It is also alleged that at the time of the birth of the said anchor itself, the concerned nurse made obnoxious remarks and that the said anchor is involved in making fake news. The said anchor has also been compared to a person, who is facing extradition proceedings.

8. Learned counsel for the plaintiff fairly states that the said three tweets have now been taken down by the defendant No. 1, however, on search through Google, the same are available. In the light of these facts, learned counsel for the defendant No. 3 Google LLC states that he would provide a web form to the learned counsel for the plaintiff who may fill up the same and apply for deletion of search results and the said tweets will be taken down. Learned counsel for the defendant No. 3 further states that by passage of time, otherwise also, these tweets will not show up in the search in view of the new search results coming up.

9. Considering the averments in the plaint as also the documents filed therewith, this Court finds that the plaintiff has made out a prima facie case Signing Date:24.09.2020 22:18:53 This file is digitally signed by PS to HMJ Mukta Gupta in its favour and in case no ad-interim injunction is granted, the plaintiff would suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiff. Consequently, till the next date of hearing before this Court, the defendant No. 1 is restrained from directly or indirectly publishing, re-publishing, sending or posting any tweet or information either in the electronic form or through internet, email of social media, or any print or communication media whatsoever, the statement or post which is derogatory/defamatory in its contents to the plaintiff or its top management or its anchors or its other office bearers. The defendant No. 2 shall suspend/block the twitter handles of defendant No. 1 and will file the basic subscription information of the account holder of the twitter accounts impugned i.e. '@theanuragkts' and '@theanuragoffice' in the Court and supply a copy thereof to the learned counsel for the plaintiff as a password protected document before the next date of hearing.

10. Compliance under Order XXXIX Rule 3 CPC be done within one week.

11. Copy of the order be uploaded on the website of this Court.

MUKTA GUPTA, J.

SEPTEMBER 24, 2020/akb Signing Date:24.09.2020 22:18:53 This file is digitally signed by PS to HMJ Mukta Gupta