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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 495/2024 & I.A. 31743/2024 I.A. 32450/2024 I.A.
32982/2024**

RAJAT SHARMA

.....Plaintiff

Through: Mr. Sandeep Sethi, Sr. Advocate with
Mr. Sudeep Chatterjee, Mr. Rohan
Swarup, Mr. Sanyam Suri, Mr.
Partheshwar Singh and Mr. Tushar
Tanwar, Advocates

versus

X CORP & ORS.

.....Defendants

Through: Mr. Rajshekhar Rao, Sr. Advocate
with Mr. Ankit Parmar, Ms. Shloka
Narayanan and Mr. Abhishek Kumar,
Advocates for D-1
Mr. Tejas Karia, Mr. Varun Pathak,
Mr. Thejesh R. and Ms. Prasadhi
Agrawal, Advocates for D-3
Mr. Prashanto Sen, Sr. Advocate with
Mr. Omar Hoda, Mr. Uday Bhatia,
Ms. Rashi Goswami, Mr. Sumeet
Singh, Ms. Eesha Bakshi, Mr. Arjun
Sharma and Mr. Prashant Pratap
Singh, Advocates for D-4, 5 and 6

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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11.07.2024

**I.A. 32982/2024(Defendant No. 1 – X corp.'s application filed under
Order XXXIX Rule 4 read with section 151 of the CPC, 1908 seeking to
vacate the ex-parte ad-interim injunction passed vide order dated
14.06.2024)**



1. This is an application filed by Defendant No. 1 seeking vacation of ad-interim injunction order dated 14.06.2024.
2. Issue notice. Learned counsel for the Plaintiff accepts notice.
3. Learned senior counsel for the Plaintiff/non-applicants states that the applicant/Defendant No. 1 has stated in this application that the same will be treated as their response to the I.A. No. 31740/2024 (Order XXXIX Rule 1 and 2). He states that Plaintiff shall file their response to this application which may be considered as their rejoinder in I.A. No. 31740/2024. The Plaintiff is directed to file its response within two weeks.
4. List on 22.08.2024.

I.A. No. 31743/2024(Application under Section 151 of the CPC, 1908 seeking permission to file electronic documents/evidence in form of CD(S))

5. This is an application filed by the Plaintiff to file electronic device in the form of DVDs/CDs containing the documents/videos as mentioned in paragraph no. 2.
6. The application is allowed and the Plaintiff is granted liberty to file the DVDs/CDs with the registry after supplying copies to the parties.

I.A. No. 31740/2024

7. The registry has placed on record the order dated 03.07.2024 passed by the Division Bench in FAO(OS) 92/2024 filed by Defendant No. 1 herein. In terms of the said order I.A. No. 31740/2024 has been restored to its original number with a clarification that the order dated 14.06.2024 is an ex-parte ad-interim order.
8. In terms of the order dated 14.06.2024, the Defendant Nos. 1 to 4 were required to remove the social media posts contained in Annexure-1 of the said order within a period of seven days, if the same were not removed



by Defendant Nos. 4 to 6. However, Defendant Nos. 4 to 6 had not deleted any of the social media posts as listed in Annexure-1 of which they are the authors, until 03/04.07.2024. In these circumstances, Defendant No. 1 claim to have geo-blocked the tweets listed in Annexure-1 of the said order on 03/04.07.2024 as per the directions issued in the order dated 14.06.2024.

9. Defendant Nos. 4 to 6 have entered appearance. Learned senior counsel for Defendant Nos. 4 to 6 states on instruction that Defendant Nos. 4 to 6 shall delete the social media posts in Annexure-I of which they are the authors in compliance with the order dated 14.06.2024; however, the said take down will be without prejudice to their rights and contentions on the merits of the matter and while reserving their right to seek vacation of the order dated 14.06.2024, which has been admittedly passed ex-parte.

10. Learned senior counsel for Defendant No. 1 states that to enable Defendant Nos. 4 to 6 to delete the tweets, Defendant No. 1 shall have to first unblock the URLs, which process would require 24 hours. In reply, learned senior counsel for the Plaintiff states that the time sought by Defendant No. 1 is excessive and the same should be curtailed. However, Defendant No. 1 has expressed its inability to unblock the URLs in shorter time.

11. Having considered the submissions of the Plaintiff and Defendant no. 1, this Court directs that Defendant No. 1 shall unblock the URLs listed below which they claimed to have geo-blocked in pursuance of the order dated 14.06.2024. Such unblocking of the URLs will be done by 5 P.M. on 12.07.2024.

12. The Defendant No. 1 shall immediately inform the Plaintiff and Defendant Nos. 4, 5 and 6 that the tweets have been unblocked. Upon being



informed, Defendant Nos. 4 to 6 shall immediately delete the following tweets within 1 hour of such unblocking by Defendant No. 1, latest by 7 PM on 12.07.2024:

- a. <https://x.com/NayakRagini/status/1800220455422611730>
- b. <https://x.com/NayakRagini/status/1800524350937846229>
- c. <https://x.com/Pawankhera/status/1800526789527134405>
- d. https://x.com/Jairam_Ramesh/status/1800357723298746576
- e. <https://x.com/Pawankhera/status/1800223345289707643>

13. Learned senior counsel for Defendant Nos. 4 to 6 confirms on instructions that the aforesaid timelines will be strictly followed.

14. It is made clear the rights of the Plaintiff in its application (I.A. No. 32450/2024) under Order XXXIX Rule 2A, CPC, for non-compliance of the order dated 14.06.2024 shall remain and shall be pursued by the Plaintiff. Similarly, the rights and contentions of Defendant No. 1 in I.A. No. 32982/2024 and I.A. No. 31740/2024 shall not be prejudiced by the aforesaid takedown. So also, the rights and contentions of Defendant Nos. 4 to 6 to challenge the claims of the Plaintiff in the suit as well as to oppose the reliefs in I.A. No. 31740/2024 remain unprejudiced by the aforesaid take down.

15. Defendant Nos. 4 to 6 further undertake that they shall not post the videos as identified by the Plaintiff in the plaint or any further tweets regarding the debate dated 04.06.2024 telecasted on India TV channel till the I.A. No. 31740/2024 or their challenge to ad-interim order dated 14.06.2024 is finally decided by the Court.

16. Learned counsel for the Plaintiff has expressed an apprehension that



Defendant Nos. 4 to 6 may fail to take down the tweets after the URLs are unblocked by Defendant No. 1 on 12.07.2024. Learned senior counsel for Defendant Nos. 4 to 6 reiterates that the said Defendants will take down the tweets as soon as URLs are unblocked by Defendant No. 1 and they have no intention to not comply with the order dated 14.06.2024.

17. Learned senior counsel for Defendant No. 1 states that for blocking the URLs again, it will need up to 24 hours. Learned senior counsel for the Plaintiff has once again opposed this prayer and submitted that the blocking should be done in a shorter period.

18. This Court has considered the aforesaid submissions. In the unlikely event that Defendant Nos. 4 to 6 breach the undertaking given to this Court today and do not take down the impugned tweets listed above by 7 P.M. on 12.07.2024, the Plaintiff shall notify the Defendant No. 1 about the non-compliance by 08:00 PM on 12.07.2024. Upon receiving intimation from the Plaintiff, the Defendant No. 1 shall on or before 8 P.M. on 13.07.2024 once again block the above listed URLs.

19. It is clarified that the order shall apply only to the URLs mentioned in para 5 of this order.

20. List on 22.08.2024.

CS(OS) 495/2024

Misdescription of Defendant No. 2

21. Learned counsel for the Defendant No. 2 states that Defendant No. 2 has been mis-described in the memo of parties and he has informed the learned counsel for the plaintiff with respect to the correct particulars of Defendant No. 2.

22. The Plaintiff is directed to file amended memo of parties within two



weeks.

23. List on 22.08.2024.

MANMEET PRITAM SINGH ARORA, J

JULY 11, 2024/hp