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

Judgment Delivered on 22.07.2024

+ **CS(OS) 558/2024**

RAJATARANGINI INDIA MEDIA PRIVATE LIMITED & ANR.

.....Plaintiffs

Through: Mr. Raghav Awasthi and Mr. Mukesh
Sharma, Advs.

versus

SANJAY SHARMA & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J (ORAL)

I.A. 33691/2024 (under Section 149 read with Section 151 CPC for extension of time for filing deficient Court fee)

1. The learned counsel appearing on behalf of the plaintiffs undertakes to deposit the deficient Court fee within a period of two weeks.
2. Let the deficient Court fee be filed as undertaken above.
3. The Registry is directed to notify the Court in case the deficient Court fee is not filed within the aforesaid period of two weeks.
4. The application stands disposed of.

I.A. 33692/2024 (under Section 151 CPC seeking exemption by the plaintiffs)

5. Allowed, subject to all just exceptions.



6. The application is disposed of.

I.A. 33693/2024 (under Section 151 CPC seeking exemption from advance service to defendant nos. 2 and 3 due to non-availability of their details)

7. Considering the urgent relief sought in the application being I.A. 33689/2023, the exemption is granted from advance service to defendant no. 2 and 3, subject to all just exceptions.

8. The application is disposed of.

CS(OS) 558/2024

9. Let plaint be registered as a suit.

10. On filing of process fee, summons be issued to the defendants by all permissible modes.

11. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiffs, failing which the written statement shall not be taken on record.

12. The plaintiffs are at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

13. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

14. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

15. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on



27.09.2024.

16. List before the Court after completion of pleadings on 29.10.2024.

I.A. 33689/2023 (under Order XXXIX Rule 1 and 2 CPC filed by the Plaintiffs)

17. Issue notice.

18. Notice may be served upon the defendants by all permissible modes.

19. The present suit has been filed seeking permanent and mandatory injunction and damages against the defendant nos. 1 to 3, alleging that the said defendants have uploaded various posts on the micro blogging website 'X' (defendant no. 4) containing defamatory allegations against the plaintiffs.

20. The plaintiff no. 1 is a body corporate which runs a digital news media by the name of 'The New Indian', whereas, the plaintiff no. 2 is the Editor-In-Chief of 'The New Indian'.


21. The defendant no. 1 is stated to be Editor-in-Chief of '4PM Evening Newspaper' and has a handle of the micro blogging website 'X' as @Editor_SanjayS. The defendant no. 2 is one Sultan Siddiquey having 'X' handle viz., @SiddiqueySultan. The defendant no. 3 is one Chandra Kumar and his 'X' handle is stated to be @ChandraKumar_80. The defendant no. 4 is micro blogging website known as 'X' (X Corp) / earlier known as 'Twitter'.

22. It is the submission of learned counsel appearing on behalf of the plaintiffs that during the general elections 2024, the plaintiff no. 2 had interviewed Sh. Narendra Modi, the Hon'ble Prime Minister of India. He submits that the plaintiff no.2 is one of the most versatile journalists who has reported almost every big national story since 2004 in India. Apart from



aforesaid interview, the plaintiff no.2 has also interviewed other famous politicians as well as Bollywood stars.

23. He submits that on 03.07.2024 the plaintiff no.2 uploaded the following post on the micro blogging website 'X':

 **Rohan Dua** 
@rohanduaT02 Subscribe

India's biggest scandal is taking place on [@YouTube](#) [@YouTubeIndia](#) with alleged involvement of 24 employees whose calls, imessages & Whatsapp calls with Youtubers are under lens on algorithm alteration.

We have moved High Court.

I WILL EXPOSE THEM FULLY. WHATEVER IT TAKES

Rank	Channel	#Views (Million)	Views Share
1	4PM	279.8	14%
2	DB live	212.6	10%
3	Abhisar Sharma	173.5	8%
4	Ravish Kumar Official	135.9	7%
5	Dhruv Rathee	114.9	6%
6	Bharat Samachar	90.2	4%
7	NMF News	75.9	4%
8	Pyara Hindustan	67.5	3%
9	Khabar India खबर इंडिया	66.2	3%
10	Online News India	65.4	3%
11	Ajit Anjum	63.2	3%
12	Ulta Chasma uc	62.2	3%
13	Headlines India	53.8	3%

10:58 · 03 Jul 24 · 424K Views

4,111 Reposts **209** Quotes **9,693** Likes

24. He submits that in the aforesaid post neither the plaintiff no. 2 mentioned the defendant no.1 by name nor by his YouTube channel. The plaintiff no.2 barely posted the publically available views for top 10 YouTube channels during the general election for audience to draw up conclusion on what is trending.

25. He further submits that as soon as the aforesaid post was posted, the defendant no.1 attacked the plaintiff no. 2 by replying to his post in the following manner: -



Sanjay sharma 
@Editor_SanjayS

Follow

परम आदरणीय रोहन दुआ जी आप न्यायालय जाओ या नहीं जाओ पर मैं ज़रूर आपको मानहानि करने के आरोप में कोर्ट में ले आऊँगा.

मैं चुनौती दे रहा हूँ अगर मेरे व्यू बढ़वाने का एक भी साक्ष्य आपके पास या आपके आकाओ के पास मिल जाये तो आप जो कहेंगे वो मैं मान लूँगा.

यूपी के किसी भी गाँव में चले जाना . एक भी गाँव ऐसा नहीं मिलेगा जहाँ लोग 4 PM को सुनते ना हो .

हम आपकी तरह साहेब की सत्ता की चरण वंदना नहीं करते बल्कि डंके की चोट पर सत्ता की आँख में आँख डालकर सवाल पूछते है .

हिम्मत है तो अपना ये ट्वीट डिलीट मत करना . मैं आपको बताता हूँ कि किसी की मानहानि करना क्या होता है !

[Translate post](#)



Rohan Dua  @rohanduaT02 · 2d

India's biggest scandal is taking place on @YouTube @YouTubeIndia with alleged involvement of 24 employees whose calls, imessages & Whatsapp calls with Youtubers are under lens on algorithm alteration....

Rank	Channel	#Views (Million)	Views Share
1	4PM	279.8	14%
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5	Dhruv Rathee	114.9	6%
6	Bharat Samachar	90.2	4%
7	NMF News	75.9	4%
8	Pyara Hindustan	67.5	3%
9	Khabar India खबर इंडिया	66.2	3%
10	Online News India	65.4	3%
11	Ajit Anjum	63.2	3%
12	Ulta Chasma uc	62.2	3%
13	Headlines India	53.8	3%

16:05 · 03 Jul 24 · 41.2K Views

142 Reposts 3 Quotes 477 Likes 5 Bookmarks

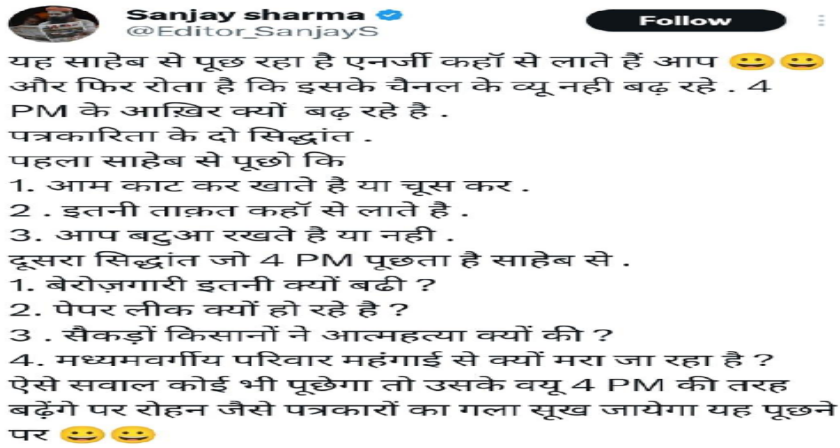
26. He submits that the aforesaid post of the defendant no.1 is highly defamatory to the plaintiffs in as much as the same insinuates that the plaintiffs are beholden to the ruling establishment and hence unethical.

27. He further submits that perusal of the timelines of the plaintiff no.2 on 'X' would indicate that plaintiff no. 2's editorial line is fair to both sides of the political spectrum.



28. In order to substantiate the aforesaid submission, the learned counsel for the plaintiffs also invites the attention of the Court to various other posts on 'X', wherein the plaintiff no.2 has actually praised the Chief Ministers / leaders from different political parties.

29. He submits that another post dated 03.07.2024 was uploaded by the defendant no.1 on 'X', wherein, similar insinuations of political bias were made against the plaintiffs. The said post is reproduced as under:-





4. मध्यमवर्गीय परिवार महंगाई से क्यों मरा जा रहा है ?
 ऐसे सवाल कोई भी पूछेगा तो उसके वयू 4 PM की तरह
 बढ़ेंगे पर रोहन जैसे पत्रकारों का गला सूख जायेगा यह पूछने
 पर 😊😊

Translate post

Rohan Dua @rohanduaT02 · 23 May
 The Untold Shiva's Connection| PM Narendra Modi
 Interview|Tomorrow

As Prime minister Narendra Modi @narendramodi
 embarks upon a journey wishing to serve India fo...

20:33 · 03 Jul 24 · 6,907 Views

109 Reposts 1 Quote 309 Likes 2 Bookmarks

30. He further submits that thereafter a legal notice was sent by the defendant no. 1 to the plaintiffs on 04.07.2024, a copy of which was also uploaded by the defendant no. 1 alongwith a post dated 04.07.2024 on 'X' containing defamatory contents. The post dated 04.07.2024, reads as under:

Sanjay sharma @Editor_SanjayS
 Follow

रोहन जी तो अदालत जाने की सोच ही रहे होंगे पर मैंने
 उनको अदालत तक पहुँचाने का इंतजाम कर लिया .
 हैदर भाई ने कल रात ही ये नोटिस तैयार कर लिया था .
 आदरणीय रोहन जी को भेज दिया.
 जल्दी ही अदालत में मुलाक़ात होगी . एक बात डंके की चोट
 पर कह रहा . अगर मेरा एक भी संवाद यूट्यूब के कर्मचारियों
 से वहाटसएप,फ़ोन या मेल के ज़रिये हुआ हो और वो बात
 रोहन जी या उनके आका साबित कर दे तो मैं कल से ही
 चैनल बंद कर दूँगा .
 4 PM फर्जी काम नहीं करता . हमारा एक एक व्यू जनता
 का है जो इस बात के लिये हमको पसंद करता है कि हम
 रोहन जी की तरह सत्ता के आगे दुम नहीं हिलाते बल्कि
 आँखों में आँख डालकर सवाल करते है !

Translate post





...and in the exercise of the powers conferred on me by the provisions of the Constitution of India, I hereby direct that the defendant no. 1 shall be liable to pay to the plaintiffs the sum of Rs. 10,00,000 (Ten Lakhs Rupees) as damages for the loss of reputation and mental agony suffered by them as a result of the defendant's conduct...

Sanjay sharma @Editor_SanjayS · 2d
 परम आदरणीय रोहन दुआ जी आप न्यायालय जाओ या नही जाओ पर मैं ज़रूर आपको मानहानि करने के आरोप में कोर्ट में ले आऊँगा. मैं चुनौती दे रहा हूँ अगर मेरे व्यू बढ़वाने का एक भी साक्ष्य आपके पास या आपके आकाओ के पास मिल जाये तो आप जो कहेंगे वो मैं मान लूँगा. ...

20:48 · 04 Jul 24 · 30.2K Views

165 Reposts 11 Quotes 638 Likes 12 Bookmarks

31. He submits that the defendant no.1 has unleashed an online lynchmob upon the plaintiffs as two other defamatory posts authored by defendant no. 2 / Sultan Siddiquey and defendant no. 3 / Chandra Kumar falsely insinuating that the plaintiffs are beholden to one political party were also uploaded on 'X' on 03.07.2024. The said posts read as under:

messages & Whatsapp calls with Youtubers are under lens on algorithm alt...

Rank	Channel	#Views (Million)	Views Share
1	4PM	279.8	14%
2	DS live	212.6	10%
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6	Bharat Samachar	90.2	4%
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11	Ajit Anjum	63.2	3%
12	Ufa Chasma uc	62.2	3%
13	Headlines India	63.8	3%

Sultan Siddiquey | سلطان...
 @SiddiqueySultan

Replying to @Editor_SanjayS
 Rohan Dua and God media making news ? They do Bhakti of Modi and BJP whole day & night. Who will watch the contents, they never question government or show public problems.

We watch 4PM and all other YT news to get information and informative.

16:51 · 03 Jul 24 · 365 Views

2 Likes



As Prime minister Narendra Modi @narendramodi embarks upon a journey ...

18 110 309 6.9K

Chandra Kumar चंद्र कार 80
@ChandraKumar_80 Follow

Replying to @Editor_SanjayS

सर,
जनता अब उन्हें ही देखती है जो जनता की बात कर रहे हैं,
चाटुकार और चरण वंदना करने वाले यू ट्यूब/गोदी मीडिया
को लोग पहचान चुके हैं , अब उन्हें दरकिनार कर रहे हैं
लोग।
इसीलिए 4PM को लोग सराह रहे हैं और रोहन दुहा को
चिढ़ हो रही है ।

Translate post

20:51 · 03 Jul 24 · 161 Views

1 Like

32. He submits that the aforesaid posts have thus, injured the reputation of the plaintiff no. 2 as a journalist which has been built up in the field of journalism over a period of two decades, therefore, prayer has been made, *inter alia* for a direction to the defendant nos.1 to 3 to take down the following links containing the alleged defamatory post against the plaintiffs:

https://x.com/Editor_SanjayS/status/1808449515911024774?t=uUQPktmEdEWN04hBZcy2aA&s=19

https://x.com/Editor_SanjayS/status/1808516810788020477?t=zLi7S0iXhfsr4HbSNWutlw&s=19

https://x.com/editor_sanjays/status/18088830466380475217?s=46

[https://x.com/SiddiqueySultan/status/1808461059864301674?t=L3\]a8Li bOpnEnFhYn9gUAA&s=08](https://x.com/SiddiqueySultan/status/1808461059864301674?t=L3]a8Li bOpnEnFhYn9gUAA&s=08)

<https://x.com/ChandraKumar80/status/1808521466356592973?t=gqgkW8seXrFXktKqR-3KIDQ&s=08>



33. Having perused the aforesaid posts made by the defendant nos. 1 – 3 against the plaintiffs, I am *prima facie* of the view that the said posts insinuates that the plaintiff no. 2 is partial and biased towards ruling government which have the potential of undermining the plaintiff no. 2's creditability as a journalist. It cannot be disputed that when it is alleged on a social media platform like 'X' that a journalist favours one party over others, especially when that journalist is followed by thousands of people, such statements/allegations surely compromise his integrity as a professional journalist.

34. Suffice to state that by remaining unbiased, journalists uphold their professional ethics and responsibility to provide fair and balanced coverage. Impartial journalism also fosters trust amongst viewers and readers. Therefore, making such statements/allegations, as can be seen from the posts, *prima facie*, creates doubt on the integrity of the plaintiff no.2 as a journalist for which there does not appear to be any tangible material.

35. Thus, in the absence of any evidence to justify the allegations made in these posts by the defendant nos. 1 – 3, the plaintiffs have made out a *prima facie* case for grant of *ad interim* order of injunction against the defendant nos. 1 – 3. The balance of convenience is also in favour of the plaintiffs. I am satisfied that the plaintiffs would suffer an irreparable loss and injury, if an *ad interim* order of injunction against the defendant nos. 1 – 3 is not granted.

36. At this stage, reference may be had to the judgment of this Court in the case of *Hanuman Beniwal and Others vs. Vinay Mishra and Others*¹,

¹ 2022 SCC OnLine Del 4882.



wherein this Court in paragraph 29 thereof, has stated the principles to be borne in mind whilst granting interim injunction in case of libel and slander, which reads as under:

“29. It has been well recognized that in case of libel and slander, interim injunction may be granted in case (i) the statement is unarguably defamatory; (ii) there are no grounds for concluding that the statement may be true; (iii) there is no other defence which might succeed; and (iv) there is evidence of an intention to repeat or publish the defamatory statement.”

37. Similarly, a coordinate bench of this court in ***Lakshmi Murdeshwar Puri vs. Saket Gokhale***² held as under:

“29. Reputations, nourished and nurtured over years of selfless service and toil, may crumble in an instant; one thoughtless barb is sufficient. It has been held, by the Supreme Court, that the right to life, consecrated by Article 21 of the Constitution of India, infuses the reputation of the individual. [Mehmood Nayyar Azam v. State of Chhattisgarh, (2012) 8 SCC 1; Kiran Bedi v. Committee of Inquiry, (1989) 1 SCC 494; Port of Bombay v. Dilipkumar Raghavendranath Nadkarni, (1983) 1 SCC 124] Reputation, it is well settled, precedes the man. In a similar vein, para 18 of the report in Institute of Chartered Accountants of India v. L.K. Ratna [Institute of Chartered Accountants of India v. L.K. Ratna, (1986) 4 SCC 537] observes thus:

“For instance, as in the present case, where a member of a highly respected an (sic) publicly trusted profession is found guilty of misconduct and suffers penalty, the damage to his professional reputation can be immediate and far-reaching. ‘Not all the King's horses and all the King's men’ can ever salvage the situation completely, notwithstanding the widest scope provided to an appeal. To many a man, his professional reputation is his most valuable possession. It

² (2021) 3 HCC (Del) 23.



affects his standing and dignity among his fellow members in the profession, and guarantees the esteem of his clientele. It is often the carefully garnered fruit of a long period of scrupulous, conscientious and diligent industry. It is the portrait of his professional honour. In a world said to be notorious for its blasé attitude towards the noble values of an earlier generation, a man's professional reputation is still his most sensitive pride. In such a case, after the blow suffered by the initial decision, it is difficult to contemplate complete restitution through an appellate decision.”

30. In the age of social media, desecration of the reputation of a public figure has become child's play. All that is needed is the opening of a social media account and, thereafter, the posting of messages on the account. Thousands of responses are received and, in the process, the reputation of the man, who is targeted, becomes mud...”

(emphasis supplied)

38. Having regard to above noted circumstances and the *dicta* of aforesaid decisions, an *ad-interim* injunction is passed against the defendant nos. 1 to 3 in the following terms: -

- i) Defendant nos. 1 to 3 are restrained from posting any defamatory material of the nature outlined in the aforesaid posts against the plaintiffs or any material which tends to bring disrepute and tarnish the goodwill and reputation of the plaintiffs either on ‘X’ handle or any other media platform.
- ii) Defendant nos. 1 to 3 are also directed to delete /remove all the defamatory links/tweets as mentioned in paragraph 32 above.



39. It is apposite to mention here that as the addresses / email IDs / contact numbers, of the defendant nos. 2 and 3 are not known to the plaintiffs at this point of time and only their 'X' handles are available, which are mentioned in paragraph 21 above, the defendant no. 4 / 'X' is directed to disclose the contact details of defendant nos. 2 and 3, including their names, e-mail IDs, IP address and all other information which is at present available with defendant no. 4 to the plaintiffs within a period of 10 days.

40. In the event the defendant nos. 1 to 3 fails to comply with the aforesaid directions within a period of two weeks, the plaintiffs shall be at liberty to approach and request the defendant no. 4/ 'X' and the latter, in that eventuality, shall take down the links mentioned in paragraph 32 above, within a period of 36 hours of such request.

41. Provisions of Order XXXIX Rule 3 of the CPC be complied with *qua* defendant nos. 1 – 3 within 10 days from today, and affidavit of compliance be filed within three days thereafter. The defendant nos. 1 – 3 will be at liberty to apply for vacation, variation or modification of this order, if necessary.

42. List before Joint Registrar for completion of service and pleadings on 27.09.2024.

43. List before Court on 29.10.2024.

I.A. 33690/2024 (under Section 151 CPC by plaintiff seeking certain direction)

44. The present application has been filed by the plaintiff seeking direction for the defendant no. 4 / 'X' to disclose the complete details/identity of defendant nos. 2 and 3.



45. The direction sought by the plaintiff has been given in paragraph 39 above, therefore, no further order is called for.

46. The application stands disposed of.

VIKAS MAHAJAN, J

JULY 22, 2024/N.S. ASWAL