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

+ FAO(OS) 146/2024 & CM APPL. 60259/2024, CM APPL. 60260/2024, CM APPL. 60261/2024

WIKIMEDIA FOUNDATION INC.Appellant

Through: Mr. Akhil Sibal, Sr. Advocate with Ms. Tine Abraham, Mr. Aayush Marwah, Ms. Shivani Rawat, Mr. Abhi Udai Singh Gautam, Mr. Nikhil Narendran and Mr. Thomas Vallianeth, Advs.

versus

ANI MEDIA PRIVATE LIMITED AND ORS.Respondent

Through: Mr. Sidhant Kumar, Mr. Akshit Mago, Mr. Om Batra and Ms. Manyaa Chandok, Advs. for R-1.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

% **ORDER**
16.10.2024

1. On the last date of hearing, learned counsel for respondent No.1 had drawn this Court's attention to a page published on the website 'Wikipedia' wherein the impugned order passed by the learned Single Judge in CS(OS) 524/2024 was adversely commented upon. It was stated in the said



publication that the impugned order passed by the learned Single Judge to release the identities of the editors who made the edits amounted to ‘*copyright and a threat to the flow of information*’.

2. This Court is of the *prima facie* view that the aforesaid comment on the impugned order passed by the learned Single Judge amounts to interference in Court proceedings, and that too, on a website managed by Wikimedia Foundation Inc. who is a defendant in the suit. The subjudice principle, *prima facie*, seems to have been ‘violated with impunity’ by Wikimedia Foundation Inc. – the appellant herein.

3. This Court is also informed by the learned counsel for respondent No.1 that after the last hearing, the observations made by this Bench have been ‘opened up for discussion’ on Wikimedia Foundation Inc. website which, according to us, complicates and compounds the issue at hand.

4. At this stage, Mr. Akhil Sibal, learned senior counsel for the appellant, on instructions, states that neither the pages wherein the impugned order passed by the learned Single Judge have been commented upon nor the pages on which the discussion qua the observations made by the Division Bench have been created by the Wikimedia Foundation Inc. He further states that, in the event this Court were to direct take down of the offending pages and discussions, the said order would be complied with.

5. Since this Court is of the *prima facie* view that the aforesaid comments on the impugned order passed by the learned Single Judge and the discussion on the observations made by this Bench amount to interference in Court proceedings and violation of the subjudice principle by a party to the proceeding and borders on contempt, this Court directs Wikimedia Foundation Inc.– the appellant herein to take down/delete the



said pages and discussion with regard to the observations made by this Court within thirty six (36) hours. List on 21st October, 2024.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

OCTOBER 16, 2024

N.Khanna