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

+ **CS(OS) 123/2020**

T.V. TODAY NETWORK LIMITED Plaintiff

Through: Mr. Hrishikesh Baruah and Mr.
Pranav Jain, Advocates.
(M:9810671087, 9873333064)

versus

SAMEET THAKKAR & ORS Defendants

Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER

% **06.05.2020**

I.A. 3811/2020(leave to file additional documents)

1. This is an application seeking leave to file additional documents under the Commercial Courts Act, 2015. The Plaintiff, if it wishes to file additional documents at a later stage shall do so strictly as per the provisions of the Commercial Courts Act, 2015. I.A. is disposed of.

I.A. 3812/2020(exemption from filing original documents)

2. This is an application seeking exemption from filing original documents. Recording the Plaintiffs' undertaking that the inspection of original documents shall be given, if demanded, or that the original documents shall be filed prior to the stage of admission/denial, the exemption is allowed. I.A. is disposed of.

I.A. 3813/2020(exemption from filing signed and notarised affidavit and affixing court fee)



3. This is an application seeking exemption from filing a notarised affidavit and court fee. Binding the deponent of the affidavit to the contents of the application, the exemption is granted. In so far as Court fee in concerned, the deposit with the concerned authority shall be made within one week. The physical Court fee stamp would be deposited within 72 hours from the lifting of the lockdown. Application is disposed of.

CS(OS) 123/2020 & I.A. 3810/2020

4. This hearing has been held by video conferencing.

5. Let the plaint be registered as a suit. Let summons and notice be issued to the Defendants and also through their counsels on filing of process fee, returnable on 22nd May, 2020. Service to be effected to the Defendants through e-mail as well.

6. The Plaintiff - T.V. Today Network Limited has filed the present suit against the Defendant No.1 - Mr. Sameet Thakkar, who operates a twitter handle at '@thakkar_sameet' as also Defendant No. 2 - Aadhyaasi Media And Content Services Private Limited. The allegation of the Plaintiff is that the Defendant No.1 has, on 15th April, 2020, during the lockdown period published 35 tweets on his Twitter handle at one go, making various allegations against the Plaintiff and its top management. Thereafter the Defendant No.1 has continued to publish several tweets using very disparaging and derogatory language against the Plaintiff and its management as also news anchors who appear on the Plaintiff's channels *Aaj Tak* and *India Today*. It is stated in the plaint that the allegations made are completely baseless and have also now been picked up by other persons who are retweeting the Defendant No.1's tweets.



7. Mr. Hrishikesh Baruah, Id. counsel appearing for the Plaintiff submits that both the India Today Group as also Mr. Aroon Purie, Mr. Rahul Kanwal - the anchor and other top management enjoy enormous goodwill and reputation in the industry, and making baseless allegations and using of derogatory and disparaging remarks against them has caused personal injury to their reputation. He relies upon orders passed in *Alok Kumar Brara v. Sarah Jane & Ors CS(OS) 199/2018 (Decided on 13th May, 2019)* as also the order in *Patanjali Ayurved Limited and Another vs Google LLC. and Others CS(OS) 104/2019 (Decided on 26th February, 2019)* and *Youtube LLC & Anr. v. Geeta Shroff FAO 93/2018 (Decided on 17th May, 2018)* to argue that in cases of this nature, interim injunctions have been granted by the Court to preserve the reputation of Plaintiffs.

8. The Defendant Nos.3 and 4 are Twitter Inc. and Facebook India Online Services Pvt. Ltd. The Defendant No.1 is not represented before this Court today, as except the Twitter handle, the Plaintiff does not have any details of the Defendant No.1.

9. The Court has perused the various tweets which have been published by Defendant No.1. There is no doubt that the first set of 35 tweets has been posted on 15th April, 2020 during the lockdown period and thereafter several tweets have been published. The Defendant No.1's tweets have also been republished by Defendant No.2- which claims to be a Hindi news media company. The tweets make wild allegations and also use derogatory and defamatory language against the Plaintiff, its management and its employees. The tweets are also very offensive and some contain abusive language. Such a campaign against the Plaintiff, its management and employees can be extremely damaging to their reputation and also cause



personal injury to them and their family members. The tweets are in bad taste and use objectionable language including abuses. The judgments cited have also been perused and they clearly lay down the circumstances for grant of interim relief in such cases. This Court is of the opinion that a *prima facie* case is made out for grant of interim relief to protect the Plaintiff until the Defendant enters appearance in the matter. Balance of inconvenience is also in favour of the Plaintiff and irreparable injury could be caused to the reputation of the Plaintiff which is a well established media company as also its management and employees if protection is not granted.

10. Accordingly, the following directions are issued:

- i. Defendant Nos. 3 and 4 shall, with 48 hours of receipt of an e-mail by the Plaintiff serving this order upon them, disclose to the Plaintiff the complete details of Defendant No.1 including the e-mail address, mobile number and any other contact details of Defendant No.1.
- ii. Defendant No.1 shall stand restrained from publishing any defamatory or derogatory posts/tweets or making abusive remarks against the Plaintiff, its management, employees including news anchors and their family members either through his Twitter handle or on any other social media platform or any other print/electronic medium.
- iii. The Defendant No.2 is restrained from publishing or re-publishing any of the tweets or other material of Defendant no.1 against the Plaintiff and in any case, it shall stand restrained from publishing any derogatory or disparaging articles against the Plaintiff or its management, employees, news anchors or their family members. If the Defendant no.1 is intending to publish any article or piece about the Plaintiff, it shall first obtain the version of the Plaintiff with 48 hours notice.



11. Compliance of Order XXXIX Rule 3 against the Defendant Nos.2, 3 & 4 be made within 48 hours. Upon receipt of the contact details of Defendant No.1, compliance of Order XXXIX Rule 3 shall be done within 24 hours.

12. Reply to the interim application be filed within two weeks. Rejoinder before the next date. List on 22nd May, 2020.

PRATHIBA M. SINGH, J.

MAY 06, 2020

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