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

+ **CS(COMM) 353/2023 and I.A. 18022/2023, 18435/2023,
18829/2023, 18830/2023, 18831/2023**

BIGMUSCLES NUTRITION PVT LTD Plaintiff

Through: Mr. Darpan Wadhwa, Sr. Advocate
with Ms. Aditi Mohan and Mr. Puru
Lekhi, Advocates (M: 8872953074).

versus

AVIJIT ROY & ORS. Defendants

Through: Mr. Dhruv Sharma, Advocate for D-
1 and 2 (M: 9999099322).

Mr. Ramchandra Madan, Advocate
for D-3 (M: 9767358607).

Mr. Neel Mason, Mr. Vihan Dang,
Ms. Aditi Umapathy and Ms. Pragya
Jain, Advocates for D-4 (M:
7999640697).

Mr. Kaustubh Rai, Advocate for D-7
(M: 8765629295).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 26.09.2023

1. This hearing has been done through hybrid mode.

I.A. 18022/2023 (u/O 1 Rule 10)

2. This is an application filed by the Plaintiff seeking to implead two more individuals i.e. Mr. Arpit Mangal and Mr. Ajay Dalal as Defendant Nos.7 and 8.

3. Issue notice. Mr. Kaustubh Rai, Id. Counsel appearing for the proposed Defendant No. 7 accepts notice. Let the complete set of papers be



supplied to Defendant No.7.

4. The allegations are that the said individuals have uploaded similar videos which contain defamatory and disparaging remarks against the Plaintiff's product. Thus, they are impleaded as Defendant Nos.7 and 8. Let a copy of the entire set of paper be supplied. Written statement be filed within the timeline prescribed.

5. Issue summons to Defendant No.8 as well.

6. The impleadment would be without prejudice to the rights and contentions of Defendant Nos.7 and 8, who are free to raise all their objections in the written statement.

7. Accordingly, application is disposed of.

I.A. 18435/2023 (u/O XXXIX Rule 2A)

8. Issue notice. Ld. Counsel for Defendant Nos. 1, 2 and 3 accepts notice.

9. A perusal of the videos briefly would show that the said Defendants continue to speak about the present litigation as also continue to defend their allegations against the Plaintiff's product. In the comments section of these freshly uploaded YouTube videos, the Plaintiff's product is clearly being named.

10. Moreover, Defendant Nos.1, 2 and 3 who are now before the Court, ought to file their replies, test report and other materials, which they claim to be the basis of the videos that they have uploaded. Until the Court decides on the said matter, the said Defendants cannot be permitted to conduct a media trial or post any YouTube videos on the online platforms in this manner.

11. Accordingly, ld. Counsel for Defendant Nos. 1,2 and 3 have agreed to



pull down the videos temporarily, till the matter is considered by this Court.

12. The said statement is taken on record. Let the said videos be pulled down, within three working days, failing which the Plaintiff shall communicate to You Tube the URLs which shall then block the said videos.

13. Accordingly, application is disposed of in view of these submissions.

I.A. 18829/2023 (Stay)

14. This is an application seeking extension of the order dated 26th May, 2023, for further grant of injunction against other videos which have been uploaded by Defendant Nos.7 and 8 containing disparaging and derogatory remarks for the Plaintiff, which includes but are not limited to the URL's contained in the application. Let a reply to the application be filed within two weeks. Rejoinder, if any, be filed within two weeks thereafter.

15. List for hearing on 29th November, 2023.

I.A. 18830/2023 (u/O XXXIX Rule 4 O/B D-3)

16. The Defendant No.3-Satvik Pandey has moved the present application seeking vacation of the injunction granted vide order dated 26th May, 2023.

17. Notice is issued. Ms. Aditi Mohan, Id. Counsel accepts notice on behalf of the Plaintiff. Let a reply be filed within two weeks. Rejoinder, if any, be filed within two weeks thereafter.

18. Ld. Counsel for Defendant No.3 has also handed over a test report which he relies upon to confirm the statements made by him in the impugned YouTube videos. Let the said test report be placed on record with a copy being served to the Plaintiff.

19. The Defendant Nos.1 & 2-Avijit Roy and Kabir Grover are also permitted to file their written statements/replies to the injunction application within two weeks. Rejoinder, if any, be filed within two weeks thereafter.



20. Since the copies of the YouTube videos are now blocked on the online platforms, let the Plaintiff provide the impugned videos and any other videos against which objections have been raised, on a proper pen drive or any other accessible electronic medium, to all the Id. Counsel for the Defendants within one week.

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21. List for hearing on 29th November, 2023. The next date before Court i.e. 4th October, 2023 shall stand cancelled.

PRATHIBA M. SINGH, J

SEPTEMBER 26, 2023

mr/ks