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

+ CS(OS) 524/2024 & I.A. 32611/2024, I.A. 38498/2024, I.A. 44402/2024

ANI MEDIA PVT. LTD.Plaintiff

Through: Mr. Sidhant Kumar, Mr. Om Batra,
Mr. Akshit Mago and Ms. Anshika
Saxena, Advocates.

versus

WIKIMEDIA FOUNDATION INC & ORS.Defendants

Through: Ms. Tine Abraham, Ms. Shivani
Rawat & Mr. Abhi Udai Singh
Gautam, Advocates for D-1.

**CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

ORDER
14.11.2024

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1. On 20.08.2024, this Court in I.A. 32611/2024 had passed the following order:-

“10. The learned counsel for the plaintiff submits that defendant nos.2 to 4 are claimed to be the ‘Administrators’ of defendant no.1.

11. Learned senior counsel for defendant no.1 submits that they have no connection with defendant nos.2 to 4.

12. Keeping in view the above submissions, defendant no.1 is directed to disclose the subscriber details of defendant nos.2 to 4 to the plaintiff, through its counsel, within a period of two weeks from today. On receipt of the said information, the plaintiff shall take steps for ensuring service of summons and notice on the application on the said defendants.

CS(OS) 524/2024

Page 1 of 4



13. Written statement be filed by defendant no.1 within the prescribed period. Reply to the application be also filed within a period of three weeks from today.

14. Defendant nos.2 to 4 upon service may also file their written statement(s) within the prescribed period. Reply(ies) to the application be also filed within a period of three weeks of receipt of notice on the application.

15. Replication/rejoinder be filed within a period of two weeks of receipt of copy of the reply(ies)/written statement(s). ”

2. The said Order was challenged by Defendant No.1 by filing FAO(OS) 146/2024, which has been disposed of by way of a consent Order dated 11.11.2024. Paragraph 5 of the order passed by the Division Bench of this Court which record the consent terms, reads as under:-

“5. Accordingly, the present appeal is disposed of with consent of parties in the following terms:-

“A. This Appeal has been filed challenging the order dated 20 August 2024 by which the Ld. Single Judge has directed disclosure of subscriber details of Respondent Nos. 2-4. Respondent Nos. 2- 4 are arrayed as defendants in the Suit pending before the Ld. Single Judge.

B. The appeal is disposed of on the basis of the following consent terms, as agreed between the parties, without prejudice to their rights and contentions:

(a) Respondent No. 1 shall promptly ensure that fresh summons be issued to Respondent Nos. 2-4 in the Suit bearing number CS. (O.S.) 524 of 2024



and made available to the Appellant for dasti service upon Respondent Nos. 2-4. The Appellant shall serve Respondent Nos. 2-4 with the summons along with a copy of this order in fulfillment of all applicable legal requirements for service of summons by email, within 4 days of the summons being made available.

(b) The Appellant shall file an affidavit of service in accordance with Chapter VI, Rule 17 of the Delhi High Court (Original Side) Rules, 2018 in sealed cover disclosing all the basic subscriber details of Respondent No. 2-4 available with it, along with the proof of service of summons by email within 7 days of service of summons and shall simultaneously provide the counsel for Respondent No. 1 with a redacted copy of the affidavit of service, after redacting the basic subscriber details of Respondent Nos. 2-4, as disclosed in the sealed cover.

(c) The fresh summons shall duly state that the Suit along with the Application filed under Order 39, Rules 1 and 2, Code of Civil Procedure, 1908 is next listed on the date fixed by the Ld. Single Judge.

(d) Respondent No. 1 shall withdraw the Application filed under Order 39, Rule 2-A of the Civil Procedure Code, 1908 bearing I.A. No. 38498 of 2024 pending before the Ld. Single Judge once the above directions are complied with in the time period stipulated.

(e) Respondent No. 1 shall be at liberty to approach the Ld. Single Judge for disclosure of the information and documents filed in sealed cover, if required, which shall be considered in accordance with law. All rights and contentions of



the parties in this regard are left open.

C. It is made clear that service of summons in accordance with this order shall constitute sufficient service upon Respondent Nos. 2-4 (impleaded as Defendant Nos. 2 to 4 in CS(OS) No. 524/2024) and the Appellant's compliance is limited to effecting service as provided under this order and will thereby fasten no liability on the Appellant for Respondent Nos. 2-4's actions or inactions. Notwithstanding the foregoing, Respondent Nos. 2-4 will be at liberty to raise all defences available to them in accordance with the law in CS(OS) No. 524/2024

D. It is made clear that all legal issues raised in this Appeal shall remain open.”

3. Accordingly, the plaint which has been registered as suit on 09.07.2024, let fresh summons be issued to Respondents No.2 to 4 through all permissible modes, including *Dasti*, and emails which are to be supplied by Defendant No.1.
4. The Registry is directed to comply with the mandate of the Order dated 11.11.2024 passed by the Division Bench.
5. List I.A. 32611/2024 on 16.12.2024, in the supplementary list.
6. Reply to I.A. 44402/2024, if any, be filed before the next date of hearing.

SUBRAMONIUM PRASAD, J

NOVEMBER 14, 2024

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CS(OS) 524/2024

Page 4 of 4