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

+ CS(OS) 174/2020

I.A. 5615/2020 (under Order XXXIX Rule 1 and 2 CPC)

I.A. 5616/2020 (exemption)

DR. GAURAV DAHIYA

..... Plaintiff

Represented by: Mr.Jasmeet Singh, Advocate with
Mr.Humraz Singh, Advocate for the
plaintiff.

versus

MRS. LEENU SINGH & ORS.

..... Defendant

Represented by: Ms.Mamta Jha, Advocate with
Ms.Shruttima Ehersa & Ms.Sakshi
Jhalani, Advocate for Google LLC-
D2
Mr.Deepak Gogia, Advocate for
Twitter Inc.-D3

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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15.07.2020

The hearing has been conducted through Video Conferencing.

I.A. 5616/2020 (exemption)

1. Exemption is allowed subject to all just exceptions. Original documents, if any, be filed within one week of the resumption of the normal Court functioning.
2. Application is disposed of.

CS(OS) 174/2020

I.A. 5615/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Plaintiff be registered as a suit.
2. Issue summons in the suit and notice in the application to the defendants. Learned counsels appearing for the defendant No. 2 and defendant No. 3 accept summons in the suit and notice in the application.
3. Summons in the suit and notice in the application be now issued to the defendant Nos. 1 and 4 on the plaintiff taking steps through Email, SMS and Whatsapp, returnable before this Court on 31st August, 2020.
4. The present suit has been filed by the plaintiff seeking damages against the defendant No. 1 for defaming the plaintiff besides permanent and mandatory injunction. Case of the plaintiff is that the plaintiff came in contact with the defendant No. 1 who was already married, through Facebook in the year 2017 when he was in Mexico as a part of Indian Government's delegation and thereafter, defendant No. 1 sent number of friend requests to him which finally the plaintiff accepted. It is the case of the plaintiff that the plaintiff categorically informed defendant No. 1 that he was married, however, at her instance, he met her at a hotel where he was staying. Plaintiff claims that since February, 2018, defendant No. 1 started asking money from the plaintiff which the plaintiff gave with the sole intention of bailing out a friend in trouble times, however, it was realized that the defendant No. 1 was using all the tricks including verbal abuse, physical assault and threatened the plaintiff of committing suicide. The defendant No. 1 also threatened the plaintiff by demanding a sum of ₹ 20 Crores, pressurizing him to buy a flat in Delhi for her and transfer his home

in Ahmedabad in the name of defendant No. 1. Defendant No. 1 filed a complaint with the Crime against Women Cell, NHRC etc. which were all investigated into and nothing was found against the plaintiff. Because of the online campaign conducted by the defendant No. 1, different articles and posts on social media platforms have been published and the plaintiff seeks directions from this Court to take down the said posts/articles.

5. Considering the averments made in the plaint and the application as also the documents filed therewith, this Court finds that the plaintiff has made out a prima facie case in his favour and in case no ad-interim ex parte injunction is granted, the plaintiff would suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiff. Consequently, defendant No. 1 is injuncted from publishing or disseminating any news relating to the plaintiff in any manner in any website/newspaper/TV channels including YouTube/Facebook/Instagram till further orders.

6. The plaintiff has also impleaded Google LLC, Twitter Inc. and Facebook Inc. as defendant Nos. 2, 3 and 4 respectively. Learned counsel for the defendant No. 2-Google LLC states that articles/posts are all newspapers' articles/news channels' reports which have been uploaded and the authenticity thereof would be only known to the news channels and thus, she states that they may be impleaded as parties in the suit. Considering the nature of posts put against the plaintiff, defendant No. 2-Google LLC is directed to take down/disable the posts/links from the country domain as mentioned in page 108 of the documents filed. As regards the defendant No. 3-Twitter Inc. is concerned, the tweets have been mentioned at pages 61-63 of the documents in relation to the plaintiff. Defendant No. 3-Twitter Inc. is also directed to take down/disable the tweets from the country domain as

mentioned in pages 61 to 63 of the documents. The plaintiff is directed to provide the necessary URLs to the defendant No. 3 within three days who would within three days thereafter, take down the eight tweets as mentioned in the above-noted pages of the documents. The defendant No. 4-Facebook Inc. in the meantime, is also directed to take down the posts from the Facebook as mentioned in page 66 of the plaint within one week from the date of intimation of the order.

7. Compliance under Order XXXIX Rule 3 CPC be made within one week.

8. Learned counsels for the defendant No. 2-Google LLC and defendant No. 3-Twitter Inc state that the addresses of Gurgaon and Mumbai respectively mentioned in the plaint are incorrect. Learned counsel for the plaintiff states that he will file amended memo of parties removing the addresses of Gurgaon and Mumbai mentioned qua defendant Nos. 2 and 3 respectively. The same be filed within a week.

9. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JULY 15, 2020

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