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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010365912026
+ **CS(COMM) 870/2026**
SAURABH MAURYA Plaintiff

Through: Ms. Diya Kapoor, Sr. Advocate with
Mr. Nakul Gandhi, Mr. Darshit
Sidhabhatti, Ms. Siddhi Sahoo, Ms.
Anushka Khaitan, Mr. Raghav Kumar
and Mr. Naibedya Dash, Advocates.

versus

JOHN DOE/ASHOK KUMAR AND ORS Defendants

Through: Mr. Varun Pathak, Mr. Vishesh
Sharma, Ms. Nitya Nath and Ms.
Urmi Shah, Advs. for D-2.
Ms. Mamta Rani Jha, Mr. Rohan
Ahuja, Ms. Shruttima Ehersa and Ms.
Jahanvi Agarwal, Advocates for D-3.
Mr. Mahdavi Khosla, Adv. for D-4.
Mr. Mathuvanthi Mathavan, Mr.
Adithya Nair and Ms. Shreya Gupta,
Advocates for D9.

CORAM:
HON'BLE MR. JUSTICE A. J. BHAMBHANI

ORDER
11.08.2026

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I.A. 21568/2026

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks exemption from filing the complete postal address and identity particulars of defendants Nos. 1, 6 to 12.

2. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.



3. Plaintiff is exempted from filing the complete postal address and identity particulars of defendants Nos. 1, 6 to 12.
4. The application stands disposed-of.

I.A. 21569/2026

5. By way of the present application filed under section 151 of the CPC, the plaintiff seeks leave to file lengthy list of dates and synopsis.
6. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
7. Lengthy list of dates and synopsis are taken on record.
8. The application stands disposed-of.

I.A. 21565/2026 (additional documents)

9. By way of the present application filed under Order XI Rule 1(5) (as amended by the Commercial Courts Act, 2015) read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks leave to file additional documents.
10. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
11. Let the additional documents be filed within 30 days.
12. The relevance and admissibility of the documents so filed will be considered subsequently.
13. The application stands disposed-of.

I.A. 21566/2026 (exemption from pre-institution mediation)

14. By way of the present application filed under section 12A of Commercial Courts Act, 2015 read with section 151 of the CPC, the plaintiff seeks exemption from attempting pre-litigation mediation.



15. Having regard to the facts and circumstances of the present case, and in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi*¹ and of a Division Bench of this court in *Chandra Kishore Chaurasia vs. R A Perfumery Works (P) Ltd.*², the plaintiff is exempted from attempting pre-litigation mediation.

16. The application stands disposed-of.

I.A. 21567/2026

17. By way of the present application filed under section 149 read with section 151 of the CPC, the plaintiff seeks extension of time for filing the court-fee.

18. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.

19. Let the requisite court-fee be filed within 02 weeks.

20. The application stands disposed-of.

I.A. 21570/2026

21. By way of the present application filed under section 151 of the CPC, the plaintiff seeks leave to place on record pen drive containing video recorded by the plaintiff.

22. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.

23. The plaintiff is permitted to place on record pen drive within 02 weeks.

24. The application stands disposed-of.

¹ (2024) 5 SCC 815

² 2022 SCC OnLine Del 3529



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25. Let the plaint be registered as a suit.
26. Issue summons in the suit.
27. Learned counsel, as above, appear on behalf of the defendants on advance copy; accept summons; and seek time to file written statement.
28. Upon the plaintiff taking requisite steps, let summons be sent to the remaining defendant by all permissible modes, returnable for the next date.
29. Let written statements to the plaint be filed within 30 days alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication to the written statements within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.
30. Re-notify before court on 24th September 2026.

I.A. 21564/2026 (ad-interim ex-parte and interim injunction)

31. By way of the present application filed under Order XXXIX Rules 1 and 2 of the CPC, the plaintiff seeks *ex-parte ad-interim* injunction.
32. At the outset, Mr. Varun Pathak, learned counsel appearing for defendant No.2/META submits that since the copyright strikes by reason of which the plaintiff's account was suspended, have been reversed, the plaintiff's account has been restored.
33. Ms. Diya Kapoor, learned senior counsel appearing for the plaintiff however submits, that the very mode and manner in which the copyright strikes are dealt-with by defendant No.2 under their standard operating procedure is based on an erroneous reading of the



verdict of the Supreme Court in *Shreya Singhal vs. Union of India*³ and of a Division Bench of this court in *Myspace Inc. vs. Super Cassettes Industries Limited*.⁴

34. Ms. Kapoor submits that under the provisions of section 79 of the Information Technology Act, 2000; and section 51 of the Copyright Act 1957, to avail its 'safe harbour' protection, an intermediary cannot be allowed to suspend the account *merely* on the basis of a copyright strike; nor can an intermediary be permitted to judge and decide that the suspension of an account is warranted based *only* on a copyright strike.
35. Ms. Kapoor argues that this discretion being availed by intermediaries is in the teeth of what has been held by the Supreme Court in para 124.3 of *Shreya Singhal* and by a Division Bench of this court in para 66 of *Myspace Inc.*
36. Issue notice.
37. Learned counsel, as above, appear on behalf of the defendants on advance copy; accept notice; and seek time to file reply.
38. Upon the plaintiff taking requisite steps, let notice be sent to the remaining defendant by all permissible modes, returnable for the next date.
39. Let reply to the application be filed within 03 weeks; rejoinder thereto, if any, be filed within 03 weeks thereafter; with copies to the opposing counsel.

³ (2015) 5 SCC 1

⁴ 2016 SCC OnLine Del 6382



40. In view of the above, and to bring focus on the issues raised, this court considers it appropriate to frame the following question, which would be addressed in the course of hearing on the present interim application:
- 40.1. Whether the extant system and procedure of suspension, take-down, and subsequent deletion of an account followed by social media platforms (intermediaries) based on copyright strikes is in line with the principles laid-down in *Shreya Singhal* and *Myspace Inc.*
41. The defendants are directed to specifically address this issue in their written statements and the replies to be filed to the interim application.
42. Re-notify before court on 24th September 2026.
43. In the meantime, Mr. Pathak assures the court that defendant No.2 will not take down any content of the plaintiff on the ground of copyright strikes till the next date of hearing, *subject to* the plaintiff furnishing to defendant No.2 material to show that the copyright strikes are *ex-facie* fake and that the content that is subject of the copyright strikes legitimately belongs to the plaintiff.
44. Mr. Pathak further confirms that the plaintiff's account that was suspended has been restored.
45. Learned counsel appearing for defendant No.11 submits that defendant No.11 as impleaded in the plaint - Blogger.com - is merely a product of defendant No.3 - Google LLC; and accordingly, may be deleted as a separate party-defendant.



46. In view of the above, defendant No.11 is deleted from the array of party-defendants.
47. Let Amended Memo of Parties be filed within 04 weeks.

A. J. BHAMBHANI, J

AUGUST 11, 2026

V.Rawat