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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 123/2020

T.V. TODAY NETWORK LTD.

..... Plaintiff

Represented by: Mr.Hrishikesh Baruah and Mr.Pranav Jain, Advocates.

versus

SAMEET THAKKAR & ORS.

..... Defendants

Represented by: Mr.Pratyush Prsana, Advocate for defendant No.1.
Mr.R.Abhishek, Advocate for defendant No.2.
Mr.Deepak Gogia, Advocate for defendant No.3/Twitter Inc.
Mr.Parag P. Tripathi, Sr.Advocate with Mr.Tejas Karia and Mr.Gauhar Mirza, Advocates for defendant No.4/Facebook Inc.
Mr.Vijay Nair and Mr.Manmeet Singh Nagpal, Advocates for proposed defendant No.5.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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29.07.2020

The hearing has been conducted through Video Conferencing.

I.A. 6270/2020 (exemption from filing duly signed and affirmed/ applications and exemption from filing court fee-by defendant No.2)

1. By this application, defendant No.2 seeks exemption from filing attested affidavit and court fee at this stage.

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2. Considering the COVID-19 situation, defendant No.2 is exempted from filing the duly attested affidavits and the court fee at this stage. However, the same be filed within one week of the resumption of the normal functioning of the Court.

3. Application is disposed of.

I.A. 6269/2020 (delay in filing written statement-by defendant No.2)

1. By this application, defendant No.2 seeks condonation of delay of 48 days in filing the written statement.

2. Issue notice.

3. Learned counsel for the plaintiff/non-applicant accepts notice.

4. For the reasons stated in the application delay of 48 days in filing the written statement is condoned as the same is within 90 days of the acceptance of the initial summons.

5. Written statement of defendant No.2 be taken on record.

6. Application is disposed of.

I.A. 6266/2020(exemption from filing notarised copy of affidavit-by defendant No.1)

I.A. 6287/2020 (exemption from filing notarised affidavit-by defendant No.1)

I.A. 6268/2020 (exemption from filing notarised affidavit and court fee-by defendant No.1)

1. By these applications, defendant No.1 seeks exemption from filing the attested/notarised affidavits in support of the four applications filed by the defendant No.1 and the court fee.

2. Defendant No.1 is exempted from filing the duly attested/notarised affidavits in support of the applications and court fee at this stage. However, the same be filed within one week of the resumption of the normal

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functioning of the Court.

3. Applications are disposed of.

I.A. 6265/2020 (under Order VII Rule 10 and 11 CPC-by defendant No.1)

I.A. 6267/2020 (under Order XXXIX Rule 4 CPC-by defendant No.1)

1. Issue notice.
2. Learned counsel for the plaintiff/non-applicant accepts notice.
3. Reply affidavit be filed within four weeks.
4. Rejoinder affidavit be filed within three weeks thereafter.
5. List these applications on 24th September, 2020.

I.A. 4386/2020 (under Order XXXIX Rule 2A CPC)

1. No reply affidavit to this show cause notice issued by this Court on 11th June, 2020 has been filed.
2. Learned counsel for defendant No.1 states that the reply affidavit was filed on 10th July, 2020 and has given the filing Number being D.No.554253/2020. Learned counsel for defendant No.1 will ensure that the reply affidavit is placed on record.
3. Defendant No.1 is also not present through video conferencing. Learned counsel for defendant No.1 states that the defendant No.1 will be present on the next date of hearing before this Court and on all subsequent dates till the show cause notice is discharged unless exempted.
4. List on 24th September, 2020.

I.A. 3976/2020 (under Order VI Rule 17 CPC r/w Order I Rule 10 CPC)

I.A. 3977/2020 (under Order XXXIX Rule 1 and 2 CPC-by plaintiff)

1. By I.A. No.3976/2020 under Order VI Rule 17 CPC r/w Order I Rule 10 CPC, plaintiff has sought amendment to the plaint by impleading Mr.Avi Das as defendant No.5 in the suit as he has posted the tweets of defendant

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No.1.

2. Pursuant to the notice issued, learned counsel for proposed defendant No.5 enters appearance. He states that defendant No.5 posted the tweets of defendant No.1 on the Facebook unintentionally and that the proposed defendant No.5 has no concern either with the plaintiff or the defendant No.1.

3. Considering the fact that the post of the proposed defendant No.1 on his Facebook account is the bone of contention, I.A. No.3976/2020 under Order VI Rule 17 r/w Order I Rule 10 CPC is allowed.

4. Defendant No.5 is impleaded as a party to the suit.

5. I.A. No.3976/2020 is disposed of.

6. By I.A. No.3977/2020 under Order XXXIX Rule 1 and 2 CPC plaintiff seeks appropriate directions against the proposed defendant No.5.

7. Till the next date of hearing, the interim order dated 22nd May, 2020 would be applicable to defendant No.5 as well.

8. List I.A. No.3977/2020 under Order XXXIX Rule 1 and 2 CPC on 24th September, 2020.

CS(OS) 123/2020

I.A. 3810/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Learned counsel for defendant No.5 seeks time to file an affidavit stating his position and seeking his deletion from the array of parties.

2. Learned counsel for defendant No.2 also states that he has filed his written statement and reply to the application under Order XXXIX Rule 1 and 2 CPC, however, the same are not on record. He will ensure that the same are placed on record.

3. Defendant Nos.2 and 3 may not file their written statements to the

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amended plaint as there is no fresh averment qua defendant Nos.2 and 3 in the plaint and their written statements will be treated as the written statement to the amended plaint.

4. Learned counsel for the defendant No.4 states that in case defendant No.5 is deleted from the array of parties there will be no role attributed to defendant No.4 in the suit.

5. List on 24th September, 2020.

6. Interim order to continue.

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

MUKTA GUPTA, J.

JULY 29, 2020

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