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

+ CS(OS) 750/2022, I.A. 20256/2022(U.O. XXXIX R. 1 & 2)

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..... Plaintiff

Through: Mr. Ashish Dixit, Mr. Amit  
Sharma, Mr. Ravi Sharma and  
Ms. Vandana Sachdeva, Advs.

versus

GOOGLE LLC

..... Defendant

Through: Mr. Gauhar Mirza, Mr. Mohit  
Singh, Mr. Vaarish K. Saklani  
and Mr. Vishesh Sharma, Advs.  
for WhatsApp LLC  
Mr. Saransh Jain and Mr.  
Abhishek Kumar, Advs. for D-  
2  
Ms. Mamta Rani Jha, Mr.  
Rohan Ahuja, Ms. Shruttima  
Ehersha, Mr. Vatsalya Vishal  
and Ms. Amishi Sodani, Advs.  
for D-4  
Mr. Ajay Digpaul, CGSC, Mr.  
Kamal Digpaul and Ms. Swati  
Kwatra, Advs. for UOI/R-5

**CORAM:**

**HON'BLE MR. JUSTICE YASHWANT VARMA**

**ORDER**

**08.02.2023**

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1. The present suit had come to be instituted for a permanent injunction restraining defendants 1 to 4, their associates and the other sister concerns from publishing, republishing reports carrying details of articles or telecasts in respect of a purported video dated 09 March 2022. A further relief was claimed for the issuance of a permanent injunction directing the defendant No.5 to ensure compliance with any

decree that may be drawn in terms of relief (a). A claim for damages was also laid in terms of relief (c).

2. Learned counsel appearing for the plaintiff submits that pursuant to the interim injunction which was granted by the Court on 30 November 2022 and 09 December 2022 the defendant intermediaries have taken remedial steps and action. In view of the above, he submits that the relief of damages is not claimed or pressed any further. A prayer is consequently made for the disposal of the suit itself in terms of the injunction which was granted on 30 November 2022 and 09 December 2022.

3. The counsels appearing for the intermediaries have opposed the suit being decreed in terms of the injunction orders or for the said orders being made absolute on the ground that it would in essence place them under a continuing obligation to attend to the issues that may arise and in accordance with the terms which were put down by the Court in its orders 30 November 2022 and 09 December 2022.

4. However, in order to balance the interests of both sides it would appear expedient to dispose of the suit on the following terms.

5. The suit shall stand decreed with the defendants being required to take down any offending URLs pertaining to the video dated 09 March 2022 if not already removed in terms of the injunctions of 30 November 2022 and 09 December 2022. The Court further leaves it open to the plaintiff to bring to the notice of the intermediaries any remaining URLs which relate to the offending video of 09 March 2022 and other identical videos, clips or still footage pertaining to the subject matter. Any such request if made, may be independently examined and evaluated by the intermediaries and if found to be forming part of the subject matter of the instant suit, further steps may be taken in accordance with the injunction which was granted on 30

November 2022 and 09 December 2022.

6. In light of the aforesaid order a prayer is made by learned counsel for the plaintiff for refund of the court fee that had been deposited. The Court has taken note of the provisions made in Order XXIII Rule 3 of the Code of Civil Procedure, 1908 [CPC] and which enables the Court to decree a suit upon satisfaction being reached and recorded in light of the action and steps that may be taken by defendants and which may satisfy the claim raised by the plaintiff.

7. Since in the present matter the plaintiff and its claim stands satisfied in light of the steps that have been taken by the defendant, the Court is of the considered opinion that the decree as drawn would clearly fall within the ambit of Order XXIII Rule 3 of the CPC. The plaintiff consequently is held entitled to refund of Court fee.

8. The suit along with the pending I.A. shall stand decreed on the aforementioned terms.

9. Learned counsel for plaintiff has handed over the amended memo of parties today across the board. The same is stated to have been filed vide diary No.206365/2023 of even date. Let the same be taken on record.

**YASHWANT VARMA, J.**

**FEBRUARY 8, 2023**

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