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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 771/2022
RESILIENT INNOVATIONS PRIVATE LIMITED Plaintiff

Through: Mr. Akhil Sibal, Sr. Adv. with Mr. Anuj Berry, Mr. Sourabh Rath, Ms. Asavari Jain, Ms. Megha Janakiraman, Ms. Bhargavi Vadeyar, Mr. Vibhore Yadav, Advs.

Versus

MADHURI JAIN GROVER & ORS. Defendant
Through: Mr. Giriraj Subramaniam, Mr. Simarpal Singh S., Mr. Siddhant Juyal, Mr. Akhilesh Tallur, Ms. Uruanshi Singh, Advs. for D-1 & 2.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
28.11.2023

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I.A. 23500/2023 -O-XXXIX, R-1&2 CPC (P).

1. This is an application filed by the plaintiff seeking the following reliefs:

“a) Pass appropriate orders and/or directions restraining Defendant No. 2 and/or anyone on his behalf in any manner whatsoever from making any statements, comments, references, whether direct or indirect, of any nature whatsoever, including any defamatory / derogatory statements/remarks concerning the Plaintiff, including its business, growth metrics, directors, officials, shareholders, employees, and/or publicizing, printing the same in any



medium or form whatsoever during the pendency of the present Suit; and

b) Pass appropriate orders granting liberty to the Plaintiff to approach all media and social platforms hosting/publishing the statements made by him as set out above to immediately delete and/or remove from circulation tweets, social media posts, interviews, magazines, articles etc. containing the same; and

c) Pass appropriate orders directing Defendant No. 2 to tender a public apology and clarify that the statements made by him as set out in the present application are false, defamatory and are subject to orders passed by this Hon'ble Court during the pendency of the Suit; and

d) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. Learned senior counsel for the plaintiff submits that despite the specific order passed by this Court on 16.05.2023 directing the learned counsel for the parties to advise their clients to avoid recourse to unparliamentary and defamatory publications against each other, the defendant no.2 had proceeded to publish defamatory tweets compelling the plaintiff to approach this Court by way of I.A. 9500/2023. On 26.05.2023 when the said application was taken up for consideration, the defendant no.2 had undertaken to voluntarily remove all the offending posts and had further assured this Court that he will, in future, abide by the order dated 16.05.2023.
3. He submits that the defendant no.2 is, however, blatantly violating this assurance given to the Court and therefore prays that an order



restraining the defendant no.2 from publishing any unparliamentary and defamatory posts against the plaintiff, be passed.

4. Issue notice. Learned counsel for the defendant no.2 accepts notice and at the outset, hands over an affidavit of undertaking of defendant no.2. By relying on the contents of the said affidavit, he submits that the defendant no.2 has not only categorically apologised for posting the impugned posts against the plaintiff on the social media but has also specifically undertaken in para 12 thereof, not to post any such defamatory contents in the future. He, therefore, prays that the application be disposed of by taking on record the defendant no.2's undertaking by way of this affidavit and further assures the Court that defendant no.2 will abide by the terms of his affidavit. As prayed for, the affidavit is taken on record.
5. Having considered the submissions of the learned counsel for the parties, this Court is appalled to note the persistent violation of this Court's orders by the defendant no.2. However, taking into account that the defendant no.2 is now filing an affidavit specifically undertaking not to post any such defamatory posts against the plaintiff in the future and is also apologising for his past posts against the plaintiff, this Court is inclined to close the matter at this stage by binding the defendant no.2 to undertaking filed by him. This would, however, be subject to payment of costs of Rs.2,00,000/- payable to the Delhi High Court Bar Clerk's Association. The costs will be paid to the Delhi High Court Bar Clerk's Association, within one week, with a direction to the Association that the amount will be used only



for the welfare of families of those clerks, who lost their lives during the COVID pandemic.

6. The application is, accordingly, disposed of.

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7. List on the date already fixed i.e., 13.12.2023.

NOVEMBER 28, 2023

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REKHA PALLI, J