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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 LIMITED

..... Plaintiff

Through: Mr.Hrishikesh Baruah with
Mr.Kumar Kshitij Mr.Anurag Mishra,
Mr.Saumitra Srivastava, Advs.

versus

SAMEET THAKKAR & ANR.

..... Defendant

Through: Mr.Raghav Awasthi, Adv for D-1.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

20.12.2023

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I.A. 3810/2020 -O-39, R-1&2

1. This is an application filed by the plaintiff seeking ad-interim injunction restraining the defendant nos. 1 & 2 from publishing, posting defamatory/derogatory statements against the plaintiff on any social media platforms.
2. It is the common case of the parties that this Court had vide its orders dated 06.05.2020, 08.05.2020 and 18.11.2020, issued certain interim directions against the defendants, which orders are continuing as on date.
3. In the light of the aforesaid , the application is disposed of by making the interim order 06.05.2020 as modified on 08.05.2020 and



18.11.2020, absolute. Consequently, the interim directions issued on the said dates will continue to bind the parties during the pendency of the suit.

I.A. 3977/2020 -Int. dir.

4. This is an application filed by the plaintiff under Order XXXIX Rule 1 & 2 CPC.
5. Learned counsel for the plaintiff does not press the present application.
6. The application is, accordingly, dismissed as not pressed.

I.A. 6267/2020 -O-39, R-4.(by D-1)

7. This is an application filed by the defendant no.1 with a prayer to revoke the interim order dated 06.05.2020 as read with 08.05.2020.
8. In view of the orders passed hereinabove in I.A.3810/2020, the present application deserves to be dismissed and is, accordingly, dismissed.

I.A. 11489/2020 -Clarification of order

9. This is an application filed by the defendant no.1 seeking clarification of the order dated 18.11.2020.
10. Learned counsel for the defendant no.1 seeks leave to withdraw the present application.
11. The application stands dismissed as withdrawn.

I.A. 4386/2020 -O-39, R-2A

12. This is an application filed by the plaintiff for taking appropriate action against the defendant no.1 for having blatantly disobeyed the



directions issued vide order dated 06.05.2020.

13. Though no reply to the application has been filed, learned counsel for the defendant no.1 today submits that the said defendant is tendering his unconditional apology for having made the defamatory tweets despite restraint orders having been passed by this Court on 06.05.2020 and 08.05.2020. He further submits that the subject tweets now stand removed and therefore, prays that the application be disposed of by accepting the defendant's apology.
14. Having considered the submissions of learned counsel for the parties and perused the record, I am of the view that in a case like the present, where a party knowingly has acted in violation of the directions issued by this Court, it would be against the interest of justice to simply accept his oral apology and that too without any explanation whatsoever for having made the said tweets despite restraint orders passed on 06.05.2020 and 08.05.2020. The conduct of the defendant no.1 shows that he has been utterly defiant of the orders passed by this Court and, therefore, should be dealt with a heavy hand.
15. In the light of the aforesaid, this Court has no hesitation in holding that the defendant no.1 is guilty of having committed contempt of Court. Even though learned counsel for the petitioner prays that the defendant no.1 be sentenced to civil imprisonment, taking into account that the offending tweets now stand removed and the defendant no.1 today tenders an unconditional apology, I am of the view that interest of justice will be met by imposing a suitable fine on him. Learned counsel for the defendant no.1 submits that the said defendant may be willing to pay any fine as may be imposed by this



Court. Taking into account the totality of circumstances, while holding the defendant no.1 guilty of having committed contempt of Court, he is directed to pay a fine of Rs.1 lakh.

16. At this stage, learned counsel for the plaintiff submits that instead of the fine being paid to the plaintiff, the said amount be given to any deserving cause. It is therefore directed that the defendant no.1 will within three weeks, pay the fine of Rs. 1 lakh to the Delhi High Court Bar Clerk's Association[Account No.15530100006282, UCO Bank, Delhi High Court], which amount will be used only for the welfare of families of those clerks, who lost their lives during the COVID pandemic.

17. The application stands disposed of.

CS(OS) 123/2020 & I.A. 6265/2020 -O-7, R-10 & 11., I.A. 4180/2021 - O-39, R-2A , I.A. 5241/2021 -Clarification (06/05/2020).

18. Learned counsel for the defendant no.1 submits that the said defendant is not willing to amicably resolve the matter and is therefore not agreeable to file any affidavit to undertake that he will not publish any defamatory tweets against the plaintiff/company or its management in the future. He, therefore, prays that suit be proceeded with on merits.

19. In the light of this stand taken by the defendant no.1, it *prima facie* appears to this Court that this is a fit case where costs should be imposed on the defendant no.1 under Chapter XXIII Rule 1 of the Delhi High Court(Original Side) Rules.

20. Learned counsel for the defendant no.1 prays for time to obtain instructions and make submissions.



21. At request, list on 01.04.2024.

DECEMBER 20, 2023

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REKHA PALLI, J