

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Original Civil Jurisdiction)

I.A. No. 14226 of 2019

In

C.S. (O.S.) No. 483 of 2019

In the matter of:-

Subodh Gupta

...Plaintiff

Versus

Herdsceneand & Ors.

...Defendants

Google Inc. (now known as Google LLC)

...Applicant/  
Defendant No. 5

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Applicant/ Defendant No. 5

Through

*Vihan Das*  
D/2438/2014

Advocates for Defendants No. 5  
*Mason & Associates*  
A-7, Sarvodaya Enclave,  
Lower Ground Floor,

Date: \_\_\_\_\_ October 2019

Place: New Delhi

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Original Civil Jurisdiction)

I.A. No. \_\_\_\_\_ of 2019

in

C.S. (O.S.) No. 483 of 2019

In the matter of:-

Subodh Gupta

...Plaintiff

Versus

Herdsceand & Ors.

...Defendants

Google Inc. (now known as Google LLC)

...Applicant/  
Defendant No. 5

NOTICE OF MOTION

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To,

**Neoma Vasdev and Sidharth Garg,**  
Advocates for the Plaintiff,  
Flat No. 502, Block 10,  
East End Apartments,  
Mayur Vihar Phase-1, Extension,  
New Delhi - 110 096,  
Contact No: +91 9711 206 674  
Email ID: [sidgarg07@gmail.com](mailto:sidgarg07@gmail.com)

Dear Sir/ Madam,

Please take notice that the Applicant/Defendant No. 5 is filing an application under Order XXXIX, Rule 4 of the Code of Civil Procedure, 1908, in the present suit.

You are requested to be present before the Hon'ble High Court at the time of hearing on or after \_\_\_\_\_.

Through Applicant/ Defendant No. 5

V. Chandang  
D/2438/2014

Advocates for Defendants No. 5  
Mason & Associates  
A-7, Sarvodaya Enclave,  
Lower Ground Floor,

Date: \_\_\_\_\_ October 2019

Place: New Delhi

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Original Civil Jurisdiction)

I.A. No. \_\_\_\_\_ of 2019

in

C.S. (O.S.) No. 483 of 2019

In the matter of:-

Subodh Gupta

...Plaintiff

Versus

Herdsceneand & Ors.

...Defendants

Google Inc. (now known as Google LLC)

...Applicant/  
Defendant No. 5

URGENT APPLICATION

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To,

**The Hon'ble Registrar,**  
High Court of Delhi,  
New Delhi

Dear Sir,

Please treat the accompanying application as an urgent one, in accordance with the Delhi High Court (Original Side) Rules, 2018.

The ground for urgency is that an application under Order 39, Rule 4 read with Section 151 of the Code of Civil Procedure, 1908, has been filed for by the Applicant/ Defendant No. 5 in relation to Impugned Orders.

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The application may kindly be listed on \_\_\_\_\_ or later.

Through Applicant/ Defendant No. 5

Vikram Singh 0/2438/2014

Advocates for Defendants No. 5  
Mason & Associates  
A-7, Sarvodaya Enclave,  
Lower Ground Floor,

Date: \_\_\_\_\_ October 2019

Place: New Delhi

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Original Civil Jurisdiction)

I.A. No. 1422-6 of 2019

in

C.S. (O.S.) No. 483 of 2019

In the matter of:-

Subodh Gupta

...Plaintiff

Versus

Herdsceaneand & Ors.

...Defendants

Google Inc. (now known as Google LLC)

...Defendant No. 5

**APPLICATION UNDER ORDER 39 RULE 4 READ WITH SECTION 151 OF  
THE CODE OF CIVIL PROCEDURE, 1908 ON BEHALF OF DEFENDANT  
NO. 5**

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The Defendant No. 5 (hereinafter also referred to as "Applicant") respectfully submits as under:

1. The present application is being filed seeking a vacation and/or modification of the ad interim orders dated 18<sup>th</sup> September 2019 and 30<sup>th</sup> September 2019 passed by this Hon'ble Court (hereinafter collectively referred to as "Impugned Orders") vide which the Applicant has been directed to block certain URLs, allegedly defamatory to the Plaintiff. Copies of the Impugned Orders are being filed herewith for ease of reference.
2. It is submitted that the Applicant owns and operates an online search engine available at [www.google.com/](http://www.google.com/) [www.google.co.in](http://www.google.co.in) (hereinafter referred to as the "Google Search Engine"), which merely performs the task of indexing information, in response to a search query, that is already available on independent third party websites that are beyond the control and supervision of the Applicant and the Applicant does not create, own

or control any content on a third party website. Hence, the Applicant is neither the host nor the publisher of the third party content displayed on the Google Search Engine.

3. Put another way, the Applicant's search engine simply aggregates and organizes information published on the web by third party websites without the Applicant owning or controlling or exercising any 'editorial control' over third party websites or the content contained therein. It is pertinent to note that even the content on the URLs/links displayed as search results leading to third party websites is hosted by the respective third party websites and the Applicant neither hosts nor owns or otherwise controls such content. It is thereby submitted that all such content which shows up in the search results is information that already exists on the Internet and Google does not endorse such information in any manner whatsoever. Hence, once the webmasters of those sites remove the impugned content from their websites, then it will automatically be removed from the Google Search Engine.
4. Google Search Engine is a free internet based search service provided by the Applicant, using which any Internet user can search for any pre-existing third party data and websites available on the Internet. To do so, an internet user can type its search query, which can consist of a single word or many words at the same time, within a box known as the "search box". Based on such a search query, the Google Search Engine indexes and displays links to third party webpages and other information that either matches with or is relevant to the search query. These results are known as "search results", which are generated automatically using software algorithms and are presented in an indexed manner. The search results indexed and displayed on the Google Search Engine display multiple



categories of search types from various sources on one page, such as "News", "Images", "Videos" etc. This helps the Internet user to narrow down or limit the search results as per relevance and interest.

5. The Applicant is thereby seeking a reconsideration/vacation of the Impugned Orders on the following grounds:

(i) It is respectfully submitted that the alleged defamatory content (hereinafter also referred to as "**impugned content**") available on the Google Search Engine is third party content that as per the Plaintiff's own pleadings in paragraph 6 of the plaint can only be "*accessed and viewed*" as search results on the Google Search Engine. The impugned content has therefore been created and uploaded/ published on respective third-party websites and not on the Google Search Engine *per se*. The Applicant herein is neither the (a) author, nor the (b) creator or the (c) publisher of the impugned content.

(ii) The material facts in the present case for alleged defamation which the Plaintiff ought to prove or disprove, to be able to fully support his right to a judgment of the Court, are in relation to the contents of the newspaper and magazine articles containing the impugned content. It is respectfully submitted that there is no cause of action against the Applicant as an action of such a nature cannot be limited to the immediate infringement of the right sued upon (which in the present case is being restricted to the links appearing as search results on the Google search engine) but must include all the material facts on which it is founded. The Plaintiff has miserably failed to even clearly and specifically plead which contents of the said articles it alleges to be defamatory and the manner in which the said contents lowered the

reputation of the Plaintiff in the eyes of the public, let alone implead the publishers/authors of the said articles, which further renders the present proceedings liable to be dismissed.

- (iii) It is settled law that in a case of alleged defamation, the threshold for considering the *prima facie* strength of granting an injunction, especially at the interim stage, has to be necessarily of a very high order. A publication may not be restrained if the Defendant says that it intends to justify it or to make a fair comment on a matter of public interest. This is in order to keep a fair balance between the constitutional right of free speech and individual rights. In the case such as the present one, where the Plaintiff has failed to even implead the authors/publishers of the alleged defamatory articles, the Hon'ble Court is deprived of a counter view or justification of the said articles, which goes directly contrary to due caution that must be exercised before grant of such an injunction.
- (iv) It is further submitted that this threshold of granting injunctive relief with due caution in respect of alleged libel or defamation is even higher when the alleged defamation concerns that of a public figure, where the balancing of an individual's right and the constitutional right of freedom of speech and press becomes even more relevant. It is respectfully submitted that in the present case the Hon'ble Court should not allow an injunction order to be used as a means to stifle the publication of the impugned contents which may be in the public interest without giving the publishers due opportunity to be heard and defend it.

- (v) The Impugned Orders are also contrary to the well settled Bonnard Principle under which exceptional caution must be exercised when granting an interim injunction in cases of defamation, which has been upheld in various judgements by this Hon'ble High Court. The basis for adopting abundant caution, as prescribed by the Bonnard principle, is that, since true validity of defamation claims can only be tested at the time of trial, after giving due hearing to both sides, therefore an interim injunction should not be granted as it would place an unreasonable burden on free speech. The essence of the principle becomes even more relevant when the Plaintiff has cleverly omitted/failed to implead the publishers or authors of the impugned content who can oppose such an injunction on merits and may have valid defenses of truth and justification to validate their claims.
- (vi) The Plaintiff being well aware of the source websites which have published the impugned content ought to have made them a party and the suit is bad for non-joinder of necessary and proper parties which in itself is sufficient ground for rejection by this Hon'ble Court of the interim injunction sought and setting aside the Impugned Orders. It is respectfully submitted that the presence of the publishers of the impugned content is necessary to enable this Hon'ble Court to completely, effectively and adequately adjudicate upon all the matters in dispute in the present suit.
- (vii) The Plaintiff, having itself furnished two sets of lists of URLs/links of search results wherein articles containing the impugned content were made accessible - one to this Hon'ble Court and one to the Applicant *vide* its letter dated 01<sup>st</sup> October 2019 (copy being filed herewith), cannot now claim that it is unaware of the publishers/authors of the

articles containing the impugned content. A bare perusal of the said lists of URLs/links reveal that there are several reputable media/news reporting agencies that have published these articles such as:

1. Economic Times;
2. Business Standard;
3. Hindustan Times;
4. Indian Express;
5. Deccan Herald;
6. NDTV;
7. LiveMint;
8. Mid-Day;
9. First Post;
10. The Hindu;
11. Scroll;
12. Swarajyamag;
13. The Week;
14. Outlook.

In spite of being well aware of these entities, the Plaintiff has with deliberate and *malafide* intentions failed to implead even a single of the aforesaid media/news reporting agencies and the suit is liable to fail on this ground alone, let alone the Plaintiff being granted the indulgence of an *ad-interim* protection. Further, the Plaintiff has also sought to expand the scope of the *ad-interim* protection given by this Hon'ble Court.

- (viii) The Plaintiff has failed to establish any real or tangible cause of action against the Applicant herein who is not even a necessary party to the present suit. There is not even an iota of evidence nor has any material document been filed by the Plaintiff to even *prima facie* show as to how the Applicant is responsible for the alleged defamation complained of or as to how the Applicant has authored or published the impugned content.

- (ix) The Plaintiff has thereby failed to satisfy the tests/ingredients of establishing a civil defamation, as against the Applicant, i.e.:
- a. The impugned statement must be false and defamatory; and
  - b. The impugned statement must refer to the Plaintiff; and
  - c. The impugned statement must be published by the Applicant.

The above requirements being conjunctive, the Plaintiff has failed to establish as to how the articles containing the impugned content are defamatory in law and/or that the said impugned content has been either uploaded or published by the Applicant.

- (x) Moreover, the Plaintiff has itself alleged that these articles appeared in online editions of the newspapers and magazines as far back as in December 2018 when "Me Too" movement was initiated in the public interest in an attempt to demonstrate the widespread prevalence of sexual assault and harassment/misconduct and encourage the victims to come forward and raise their voice and share their survivor stories. It is settled law that before granting an ex-parte injunction, the Hon'ble Court must take into account when the Plaintiff first had notice of the act complained of and whether the Plaintiff had acquiesced to the said act for a certain duration. It is significant to note that the Plaintiff has till date; never challenged the publication of the said articles and even the present challenge, at such a belated stage, is only *qua* the search results linking to such articles being accessible through the Google Search Engine. The fact that the present proceedings have been initiated almost a year after the surfacing of the allegedly defamatory content clearly demonstrates the *malafides* of the Plaintiff and having acquiesced to such publications by

participating in giving his versions of the accounts to such publications, the Plaintiff is not entitled to any interim reliefs at this stage. Having deliberately elected not to take any action against the publication of the allegedly defamatory content and/or the publishers of the said content despite being well-aware of the said content for almost a year, the same is against the public interest and the Plaintiff cannot now claim irreparable or serious mischief on account of the impugned content.

(xi) Moreover, it is respectfully submitted that the grant of temporary injunction ought not to mirror a final relief and to the extent, the Plaintiff has been permitted to stifle any alleged defamatory article/content, which *prima facie* even seems to include fair reporting, the Impugned Orders ought to be reconsidered. It is submitted that a bare perusal of many of the articles to which the impugned Google search results link to, either (a) report the existence/occurrence of allegations of sexual misconduct/harassment against the Plaintiff posted anonymously on the account of Defendant No. 1, or (b) report the Plaintiff's statements and explanations in response to these allegations. The Plaintiff is well aware that the suit in the present form does not have a Defendant that is capable of defending the contents of the articles published by the newspapers and magazines and hence, the Plaintiff has deliberately elected not to implead any of the newspapers and magazines as parties to the proceedings, for reasons best known to the Plaintiff.

(xii) Any action at a secondary level cannot proceed if the Plaintiff is unwilling to challenge the action at a primary level and seek removal of the impugned content from the source of such publications. It is

respectfully submitted that the Applicant is indeed merely an intermediary in relation to the search results on the Google Search Engine as per the scheme of the Information Technology Act, 2000, as amended (hereinafter referred to as the "IT Act"). Any action purely against an intermediary such as the Applicant is not maintainable when the Plaintiff has failed to take any action against the originators of the content i.e. the entities that are responsible for publishing the allegedly defamatory content.

(xiii) It is also submitted that to the extent the Impugned Orders confer upon the Plaintiff the right to report the URLs/links on the Google Search Engine that are allegedly defamatory to the Plaintiff and permit the Plaintiff to cherry pick content that it believes to be defamatory, the Impugned Orders are contrary to settled law and require reconsideration. The Hon'ble Court cannot abrogate the right of adjudicating what is defamatory to the Plaintiff and permit and give the Plaintiff the power to adjudicate what content is defamatory and to be a judge in his own case. This is not only contrary to the principle of *nemo judex in causa sua* but is also contrary to the well-established principles of defamation law, especially the settled law on "pre-publication" injunctions. Such an order may result in removal or disabling of access to content which is irrelevant or unrelated to the allegations of defamation as against the Plaintiff and distribution of which in fact may even be in the public interest.

(xiv) To the extent the Impugned Orders bind intermediaries, such as the Applicant herein, to the decisions/adjudications of the Plaintiff, the same is contrary to the letter and spirit of Section 79 of the IT Act as held in *Shreya Singhal vs. Union of India* 2015 (4) SCALE 1. It is

submitted that as per the *Shreya Singhal vs. Union of India* (supra) decision, the term "actual knowledge" under Section 79(3) of the IT Act as well as Rule 3(4) of the Information Technology (Intermediaries Guidelines) Rules, 2011, is only attributable to a due adjudication through a court order and/or a notification by the appropriate Government or its agency. It was observed that the onus cannot be on the intermediary to judge as to which removal/disabling requests are legitimate and which are not. By extension, the power to adjudicate on the nature of the alleged defamatory articles can also not vest with the Plaintiff who cannot be put in a position to adjudicate upon and restrict third party rights of free speech.

(xv) It is pertinent to point out that directing a search engine provider like Google to remove the impugned links from appearing within its search results would not ensure (a) that the defamatory content is itself taken down from its source or that (b) the same links do not resurface as an indexed search result on any of the other search engines available on the internet such as Yahoo (Oath) and/or Microsoft Bing. However, once the publishers/authors/webmasters of those third party websites have removed the impugned content from their websites, then it will automatically be removed from a search engine including the Google Search Engine.

6. It is respectfully submitted that the present proceedings have been clearly initiated with a view to put an unreasonable restraint on the freedom of speech and expression on the internet as well as the freedom of the press. In the event that the Impugned Orders are not set aside, the same will have a chilling effect on freedom of speech and expression and be against public interest.



7. In light of the aforesaid reasons, the Impugned Orders require reconsideration/vacation by this Hon'ble Court. The present application has been filed *bona fide* and in the interest of justice.

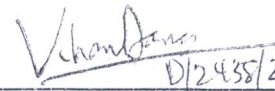
PRAYER

8. In light of the aforesaid, it is most respectfully prayed that this Hon'ble Court be pleased to pass an order in favour of the Defendant No. 5 and against the Plaintiff:

- (i) Vacating/setting aside/modifying the Impugned Orders dated 18<sup>th</sup> September 2019 and 30<sup>th</sup> September 2019 *qua* the Defendant No. 5; and
- (ii) Any further orders in the interests of equity, conscience and justice.

Defendant No. 5

Through

  
D/2438/2014

Mason and Associates  
Advocates for the Defendant No. 5  
A-7, Sarvodaya Enclave  
New Delhi - 110017

Place: New Delhi

Date: \_\_\_\_\_ 2019

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Original Civil Jurisdiction)

I.A. No. \_\_\_\_\_ of 2019

In

C.S. (O.S.) No. 483 of 2019

In the matter of:-

Subodh Gupta

...Plaintiff

Versus

Herdsceneand & Ors.

...Defendants

Google Inc. (now known as Google LLC)

...Defendant No. 5

**AFFIDAVIT IN SUPPORT OF THE APPLICATION UNDER ORDER 39,  
RULE 4 OF THE CODE OF CIVIL PROCEDURE, 1908**

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I, SHRI R. SURESH BABU, AGED ABOUT 32 YEARS, S/O SHRI S. RAMACHNDRAN, R/O BLOCK 22, HOUSE NO. 381, TRILOKPURI, NEW DELHI - 110 091 DO HEREBY SOLEMNLY AFFIRM AND DECLARE AS BELOW -

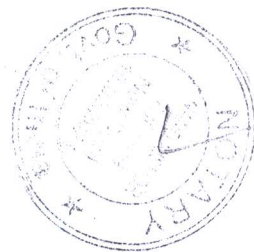
1. I am the authorized signatory of Defendant No. 5 and aware of the facts and circumstances of the present proceedings. I say that I am authorized

to depose this affidavit on behalf of Defendant No. 5 in the present proceedings.

2. I say that the accompanying application under Order 39, Rule 4 of the Code of Civil Procedure, 1908, has been drafted under my instructions and supervision and I have read and understood the contents of the same.

3. I say that the contents of the aforesaid application are true and correct to the best of my knowledge and nothing material has been concealed therefrom. I say that the statements made and contained in the said application be read as part and parcel of this affidavit as if the same were specifically incorporated and sworn herein by me.

I identify  
V. Chandan  
I identify the Executant/Deponent  
Who has Signed in my Presence



R. Suresh Babu

DEPONENT

9 OCT 2019

Verified at New Delhi on this \_\_\_\_\_ day of October 2019 that the contents of my affidavit are true to the best of my knowledge and nothing material or relevant has been concealed therefrom. 9 OCT 2019

R. Suresh Babu

DEPONENT

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE  
DEPONENT/EXECUTANT WHO IS SEEMED PERFECTLY TO  
UNDERSTAND AND HE/ SHE HAS SIGNED BEFORE ME AT NEW DELHI  
ON \_\_\_\_\_  
I, \_\_\_\_\_  
NOTARY PUBLIC (NEW DELHI)  
NAND KISHOR ACARWAL

[Signature]  
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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 483/2019

SUBODH GUPTA

..... Plaintiff

Through: Mr. Sandeep Sethi, Sr. Adv. &  
Mr. Kailash Vasdev, Sr. Adv. with  
Ms. Neoma Vasdev, Mr. Siddharth  
Garg & Mr. Samarth Khanna, Advts.

versus

HERDSCENEAND & ORS.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 18.09.2019

IA No.12911/2019(exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CS(OS) 483/2019, IA No.12910/2019(u/O.XXXIX R.1&2 CPC) &  
IA No.12912(u/O.VII R-14(3) CPC)

3. On request, the counsel for the plaintiff has been permitted to correct the typographical errors in the prayer paragraphs (c) and (f) of the plaint, under his signatures, in today's date.
4. The plaintiff is aggrieved from the defamatory content on a media handle / Instagram account 'Herdsceneand@gmail.com' and contents whereof are available on the search engine of the defendant no.5 Google Incorporated, against the name of the plaintiff.
5. Issue summons of the suit and the notice of the application for interim relief to the defendants, electronically, returnable on 30<sup>th</sup> September, 2019.

CS(OS) 483/2019

Page 1 of 4

*True copy*  
*[Signature]*  
Court Master 19/9/19  
High Court of Delhi  
New Delhi

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6. I have enquired from the senior counsel for the plaintiff, whether any of the alleged victims of the plaintiff has been named in the allegedly defamatory content and whether any such person has identified himself/herself and whether any legal or other proceedings have been initiated against the plaintiff or relating to the contents published.

7. The answer is in the negative.

8. *Prima facie*, it appears that the allegations as made in the allegedly defamatory contents, cannot be permitted to be made in public domain/published without being backed by legal recourse. The same if permitted, is capable of mischief.

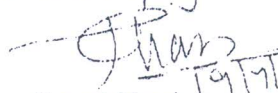
9. The senior counsel for the plaintiff, on enquiry, under instructions states that the URLs/weblinks, list whereof is given, have no other context save pertaining to plaintiff.

10. Till the next date of hearing, the defendant no.1 'Herdsceand' is restrained from posting on its Instagram account any content pertaining to the plaintiff, and the defendants namely (i) Herdsceand; (ii) Instagram LLC; (iii) Facebook, Incorporated; (iv) Facebook Ireland Limited; (v) Google Incorporated; and, (vi) Google India Pvt. Ltd. are also directed to forthwith, on service of the copy of this order, remove/take down the defamatory posts/articles/all content pertaining to the plaintiff and block the following URI.s/web links:

1.	<a href="https://www.instagram.com/p/B3rUMo18nUp8/">https://www.instagram.com/p/B3rUMo18nUp8/</a>
2.	<a href="https://www.instagram.com/p/Bs3JBfVn1No/">https://www.instagram.com/p/Bs3JBfVn1No/</a>
3.	<a href="https://economictimes.indiatimes.com/magazines/panache/metoo-fallou...festival-a-day-after-denying-allegations/printarticle/67102009.cms">https://economictimes.indiatimes.com/magazines/panache/metoo-fallou...festival-a-day-after-denying-allegations/printarticle/67102009.cms</a>

CS(OS) 483/2019

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True copy  
  
 Court Master  
 High Court of Delhi  
 New Delhi

4.	<a href="https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post">https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post</a>
5.	<a href="https://economictimes.indiatimes.com/magazines/panache/metoo-subodh-gupta-accused-of-sexual-harassment-entirely-false-and-fabricated/printarticle/67090974.cm">https://economictimes.indiatimes.com/magazines/panache/metoo-subodh-gupta-accused-of-sexual-harassment-entirely-false-and-fabricated/printarticle/67090974.cm</a>
6.	<a href="http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/">http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/</a>
7.	<a href="https://www.artforum.com/news/-77979">https://www.artforum.com/news/-77979</a>
8.	<a href="https://news.artnet.com/art-world/artist-subodh-gupta-metoo-allegations-1424590">https://news.artnet.com/art-world/artist-subodh-gupta-metoo-allegations-1424590</a>
9.	<a href="https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675_1.html">https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675_1.html</a>
10.	<a href="https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations">https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations</a>
11.	<a href="https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html">https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html</a>
12.	<a href="https://www.google.com/search?q=subodh+gupta+metoo&amp;rlz=1C1SQJL_enIN788IN788&amp;oq=subodh+gupta+metoo&amp;aqs=chrome..69i57j69i60l3.3838j0j7&amp;sourceid=chrome&amp;ie=UTF-8">https://www.google.com/search?q=subodh+gupta+metoo&amp;rlz=1C1SQJL_enIN788IN788&amp;oq=subodh+gupta+metoo&amp;aqs=chrome..69i57j69i60l3.3838j0j7&amp;sourceid=chrome&amp;ie=UTF-8</a>
13.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSp8XihIQ2EHLHSIX_-gz1u3qc10w%3A1568343269422&amp;ei=5QR7XYSzGdjbrQGet5L4Dw&amp;q=subodh+gupta+anonymous&amp;oq=subodh+gupta+anonymous&amp;gs_l=psy-ab.3...8969.11769..12016...0.0..0.301.1710.0j6j2j1.....0....1..gws-wiz.....35i39j0i0i8i67j0i22i30j38j33i160j33i21.DzDjOWZc_v4&amp;ved=0ahUKEwj1udb75czkAhXYbSsKIIZ.6bBP8Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSp8XihIQ2EHLHSIX_-gz1u3qc10w%3A1568343269422&amp;ei=5QR7XYSzGdjbrQGet5L4Dw&amp;q=subodh+gupta+anonymous&amp;oq=subodh+gupta+anonymous&amp;gs_l=psy-ab.3...8969.11769..12016...0.0..0.301.1710.0j6j2j1.....0....1..gws-wiz.....35i39j0i0i8i67j0i22i30j38j33i160j33i21.DzDjOWZc_v4&amp;ved=0ahUKEwj1udb75czkAhXYbSsKIIZ.6bBP8Q4dUDCAs&amp;uact=5</a>
14.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNQzP2Yrt3nKQslhC0EUT4k_xWgVnA%3A1568343359261&amp;ei=PwV7XZfKD4j99QPlo5No&amp;q=subodh+gupta+herdsceneand+&amp;oq=subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...2046.2933..6339...0.0..1.541.1166.0j2j1j5-1.....0....1..gws-wiz.....35i39.krVYn9NcP3s&amp;ved=0ahUKEwjX5cGm5szkAhWlfn0KHeXRBA0Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNQzP2Yrt3nKQslhC0EUT4k_xWgVnA%3A1568343359261&amp;ei=PwV7XZfKD4j99QPlo5No&amp;q=subodh+gupta+herdsceneand+&amp;oq=subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...2046.2933..6339...0.0..1.541.1166.0j2j1j5-1.....0....1..gws-wiz.....35i39.krVYn9NcP3s&amp;ved=0ahUKEwjX5cGm5szkAhWlfn0KHeXRBA0Q4dUDCAs&amp;uact=5</a>
15.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNTx2C2LYgj9bCDvO_E5AMUjMYvIBrA%3A1568343432185&amp;ei=iAV7Xcz7CteA9QOa74CIDw&amp;q=subodh+gupta+sexual+facebook&amp;oq=subodh+gupta+sexual+facebook&amp;gs_l=psy-ab.3...2241.2241..2666...0.0..0.187.187.0j1.....0....1..gws-wiz.XYJr_H5r9gU&amp;ved=0ahUKEwjM36TJ5szkAhVXQH0KHZo3APEQ4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNTx2C2LYgj9bCDvO_E5AMUjMYvIBrA%3A1568343432185&amp;ei=iAV7Xcz7CteA9QOa74CIDw&amp;q=subodh+gupta+sexual+facebook&amp;oq=subodh+gupta+sexual+facebook&amp;gs_l=psy-ab.3...2241.2241..2666...0.0..0.187.187.0j1.....0....1..gws-wiz.XYJr_H5r9gU&amp;ved=0ahUKEwjM36TJ5szkAhVXQH0KHZo3APEQ4dUDCAs&amp;uact=5</a>
16.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSYfEoIlaq8HANRwRSatA7beaBa72Tw%3A1568343497930&amp;ei=yQV7XYXBOMS09QOI7KT0cG&amp;q=instagram+subodh+gupta+herdsceneand+&amp;oq=instagram+subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...3662.12965..13174...0.0..0.298.4672.0j26j3.....0....1..gws-wiz.....35i39j0i131j0i20i263j0i22i30j0i13i30j0i8i13i30.AhBWv29dDW8&amp;ved=0ahUKEwjFydllo5szkAhVEVH0KIR82Ca0Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSYfEoIlaq8HANRwRSatA7beaBa72Tw%3A1568343497930&amp;ei=yQV7XYXBOMS09QOI7KT0cG&amp;q=instagram+subodh+gupta+herdsceneand+&amp;oq=instagram+subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...3662.12965..13174...0.0..0.298.4672.0j26j3.....0....1..gws-wiz.....35i39j0i131j0i20i263j0i22i30j0i13i30j0i8i13i30.AhBWv29dDW8&amp;ved=0ahUKEwjFydllo5szkAhVEVH0KIR82Ca0Q4dUDCAs&amp;uact=5</a>

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 19/11/19  
 Court Master  
 High Court of Delhi  
 New Delhi

17.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBG NRc-bfIjoRi6WLoCD0xo7CJ3q_QNoA%3A1568343531489&amp;ei=6wV7XZnCH7b49QPq9IvwDw&amp;q=subodh+gupta+sexual+harasser&amp;oq=subodh+gupta+sexual+harasser&amp;gs_l=psy-ab.3...84259.95207..95603...2.0..0.232.4972.0j30j3.....0....1..gws-wiz.....10...35i362i39j35i39j0i67j0i20i263j0i131i67j0i8i67j0i22i30j38j0i22i10i30.kjdI.tct1AdU&amp;ved=0ahUKFwjZ49H45szkAhUWftH0KHWr6Av4Q4dUDCA s&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBG NRc-bfIjoRi6WLoCD0xo7CJ3q_QNoA%3A1568343531489&amp;ei=6wV7XZnCH7b49QPq9IvwDw&amp;q=subodh+gupta+sexual+harasser&amp;oq=subodh+gupta+sexual+harasser&amp;gs_l=psy-ab.3...84259.95207..95603...2.0..0.232.4972.0j30j3.....0....1..gws-wiz.....10...35i362i39j35i39j0i67j0i20i263j0i131i67j0i8i67j0i22i30j38j0i22i10i30.kjdI.tct1AdU&amp;ved=0ahUKFwjZ49H45szkAhUWftH0KHWr6Av4Q4dUDCA s&amp;uact=5</a>
18.	<a href="https://www.google.co.in/search?sxsrf=ACYBGNSvcvs1xkTci0IBUNm0hBUhMwihjQ%3A1568609325668&amp;source=hp&amp;ei=LRR_Xe6LJojZvA\$h66yAAQ&amp;q=subodh+gupta+metoo&amp;oq=subodh+gupta+metoo&amp;gs_l=psy-ab.3...35i39.1329.6615..7163...0.0..2.539.4768.0j18j3j0j1j1.....0....1..gws-wiz.....10...35i362i39j0i67j0i131j33i160j35i304i39j0i13.Rq1v17zz-III&amp;ved=0ahUKFwiulpSNxdTkA'hWILJ8KHaE1CxAQ4dUDCAY&amp;uact=5">https://www.google.co.in/search?sxsrf=ACYBGNSvcvs1xkTci0IBUNm0hBUhMwihjQ%3A1568609325668&amp;source=hp&amp;ei=LRR_Xe6LJojZvA\$h66yAAQ&amp;q=subodh+gupta+metoo&amp;oq=subodh+gupta+metoo&amp;gs_l=psy-ab.3...35i39.1329.6615..7163...0.0..2.539.4768.0j18j3j0j1j1.....0....1..gws-wiz.....10...35i362i39j0i67j0i131j33i160j35i304i39j0i13.Rq1v17zz-III&amp;ved=0ahUKFwiulpSNxdTkA'hWILJ8KHaE1CxAQ4dUDCAY&amp;uact=5</a>

11. The defendant no.2 Instagram LCC is also directed to, on the next date of hearing, furnish to this Court in a sealed envelope, the particulars of the person/entity behind the Instagram account 'Herdsceand'.

12. The provisions of Order XXXIX Rule 3 of the CPC be complied forthwith.

Dasti under signatures of the Court Master.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 18, 2019

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*Tracopy*  
*[Signature]*  
 Court Master  
 High Court of Delhi  
 New Delhi  
 18/9/19

CS(OS) 483/2019

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 483/2019 & IAs No.12910/2019 (u/O XXXIX R-1&2 CPC) :  
& 12912/2019 (u/O VII R-14(3) CPC)

SUBODH GUPTA

..... Plaintiff

Through: Mr. Kailash Vasdev and Mr. Sandeep  
Sethi, Sr. Advs. with Ms. Neoma  
Vasdev and Mr. Siddharth Garg,  
Advs.

Versus

HERDSCENEAND & ORS.

..... Defendants

Through: Mr. Parag Tripathi, Sr. Adv. with Mr.  
Ajit Warrior, Ms. Richa Srivastava,  
Mr. Shijo George, Ms. Nayantara  
Narayan, Mr. Laltaksh, Mr. Dhruv  
Bhatnagar, Ms. Mishika Bajpai, Ms.  
Malikah Mehra and Mr. Ujval  
Mohan, Advs. for D-4.  
Mr. Neel Mason, Mr. Vihan Dang,  
Ms. Sanukta Banerjie and Mr.  
Shivang Sharma, Advs. for D-5.  
Mr. Akhil Anand, Adv. for D-6.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

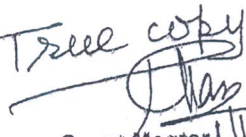
**30.09.2019**

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1. In pursuance to the summons issued, the counsels for the defendants No.4,5 & 6 appear.
2. None appears for the defendants No.1 to 3.
3. The senior counsel for the plaintiff states that the defendant No.2 is the platform on which defendant No.1 is a page/handle account.

CS(OS) 483/2019

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True copy  
  
Court Master 1/10/19  
High Court of Delhi  
New Delhi



4. Though the report of service of summons is awaited but the plaintiff has filed affidavit of service and the senior counsel for the plaintiff states that the defendants No.1 to 3 have also been served.
5. The defendant No.2 has also not complied with the direction contained in paragraph 11 of the order dated 18<sup>th</sup> September, 2019.
6. The counsel for the defendant No.5 states that the serial numbers 12 to 18 in the table contained in paragraph 10 of the order dated 18<sup>th</sup> September, 2019 are search results and not URLs and the said search results lead to a large number of URLs, all of which may not contain defamatory content. It is thus contended that the plaintiff may point out URLs containing the defamatory content and which would be removed.
7. The plaintiff to intimate to the defendant No.5 the URLs containing the defamatory content and the defendant No.5 Google Inc. is directed to, within 72 hours of said communication, remove the URLs so informed by the counsel for the plaintiff.
8. The counsel for the defendant No.5 further states that the items at serial Nos.3 to 11 in the table contained in paragraph 10 of the order dated 18<sup>th</sup> September, 2019 are URLs by publishers of newspapers and magazines.
9. It is directed that the defendant No.5 Google Inc., in terms of the order dated 18<sup>th</sup> September, 2019, to block the said URLs on the search results.
10. The senior counsel for the defendant No.4 Facebook Ireland Limited states that the defendant No.4 Facebook Ireland Limited has no control over Facebook Inc.

CS(OS) 483/2019

*True copy*  
*[Signature]*  
11/10/19  
Court Master  
High Court of Delhi  
New Delhi

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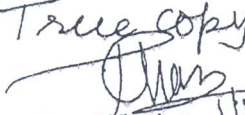
11. The senior counsels for the plaintiff state that Facebook Inc. has no internet address.
12. The senior counsel for the defendant No.4 states that the counsel for the defendant No.4 will within two days furnish to the counsel for the plaintiff the internet address of Facebook Inc.
13. The senior counsel for the defendant No.4 states that the defendant No.2 Instagram LLC and defendant No.4 Facebook Ireland Limited be deleted.
14. The senior counsels for the plaintiff state that they will verify.
15. On the statement aforesaid of the senior counsel for the defendant No.4, defendant No.3 Facebook Inc. which is stated to control defendant No.2 Instagram LLC are now again directed to, on the next date of hearing, furnish to this Court in a sealed envelope the particulars of the person/ entity behind the Instagram Account Herdsceneand.
16. The senior counsel for the plaintiff also states that the email address of defendant No.1 is Herdscene@gmail.com and not Herdsceneand@gmail.com.
17. List on 18<sup>th</sup> November, 2019.

A copy of this order be given *dasti* under the signatures of the Court Master.

Sd/-  
RAJIV SAHAI ENDLAW, J.

SEPTEMBER 30, 2019  
'bs'..

CS(OS) 483/2019

True copy  
  
Court Master 11/10/19  
High Court of Delhi  
New Delhi

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NEOMA VASDEV & SIDDHARTH GARG  
ADVOCATES

Flat No. 502, Block 10, East End Apartments,  
Mayur Vihar Phase-I Extension,  
New Delhi-110017

Email: [neoma@vasdevandco.com](mailto:neoma@vasdevandco.com) [sidgarg07@gmail.com](mailto:sidgarg07@gmail.com)

01.10.2019

To,  
Google Inc.,  
Through its email  
[support-in@google.com](mailto:support-in@google.com)

*And*

Mr Neel Mason,  
Advocate,  
A-7 Sarvodaya Enclave,  
Lower Ground Floor,  
New Delhi-110017  
Email: [neel.mason@mason.co.in](mailto:neel.mason@mason.co.in)

**Sub: Compliance required by Google Inc., of Hon'ble High  
Court's orders dated 18.09.2019 and 30.09.2019 in CS(OS) no.  
483 of 2019**

Dear Sir/s,

We, the counsels for Mr Subodh Gupta in the aforementioned suit proceedings, write to you pursuant to orders dated 18.09.2019 and 30.09.2019 in the said suit.

The Hon'ble Court has issued specific directions to Google Inc., the Defendant No. 5 to comply with the orders of the Hon'ble Court and remove all URLs, links, footprints, search results etc., qua the false, baseless and defamatory content in respect of the Plaintiff found over

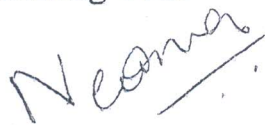
Google's search engine. Enclosed herewith are orders dated 18.09.2019 and 30.09.2019 for your reference.

In compliance of the directions of the Hon'ble Court, on behalf of the Plaintiff, we hereby provide you a list of all the possible URLs found by us on the google search engine which are required to be removed (including cached results). Attached herewith are the List of URLs which are required to be blocked/removed(along with their cached results):

- a) List (dated 01.10.2019) of URLs containing defamatory content in relation to the Plaintiff- prepared pursuant to order dated 30.09.2019
- b) List filed along with the plaint (already served and received by Google Inc., both on email and as a physical copy)

Please note that the Lists enclosed include those searches which the Plaintiff has been able to ascertain and hence require immediate take down/removal from all of Google's platforms. However, this does not absolve/preclude Google Inc., to independently ascertain any other similar offending URLs and take necessary action in compliance of the Hon'ble Courts orders.

Thanking You.



Neoma & Siddharth

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**Encl:**  
**As stated.**

IN THE HIGH COURT OF DELHI AT NEW DELHI  
(ORDINARY ORIGINAL CIVIL JURISDICTION)

CS (OS) NO.483 OF 2019

IN THE MATTER OF:

Subodh Gupta

Plaintiff

Versus

Herdsceneand & Ors

Defendants

**PURSUANT TO ORDER DATED 30.09.2019 in CS(OS) 483/2019, BY THE HON'BLE DELHI HIGH COURT, LIST OF FEW URLs TO BE TAKEN DOWN/REMOVED BY GOOGLE INC.**

1. <https://www.firstpost.com>india>
2. <https://m.mid-day.com/amp/articles/anonymous-instagram-account-aims-to-call-out-sexual-perpetrators-in-art-world/20107177>
3. <https://webcache.googleusercontent.com/search?q=cache:VCwiSDzBcZ4J:https://www.livemint.com/Consumer/UjBgyP3KZBa18AuAiezCCL/The-art-of-MeToo-Artist-Subodh-Gupta-steps-down-from-Seren.html+&cd=12&hl=en&ct=clnk&gl=in>
4. <https://indianexpress.com/article/india/accused-of-sexual-harassment-subodh-gupta-steps-down-as-goa-fest-curator-denies-charges-5494695/>
5. <https://www.livemint.com/Consumer/UjBgyP3KZBa18AuAiezCCL/The-art-of-MeToo-Artist-Subodh-Gupta-steps-down-from-Seren.html>
6. [https://economictimes.indiatimes.com/magazines/panache/metoo-artist-subodh-gupta-accused-of-repeated-sexual-misconduct-through-instagram-post/articleshow/67077198.cms?utm\\_source=twitter\\_amp&utm\\_medium=social&utm\\_campaign=socialsharebuttons&from=mdr](https://economictimes.indiatimes.com/magazines/panache/metoo-artist-subodh-gupta-accused-of-repeated-sexual-misconduct-through-instagram-post/articleshow/67077198.cms?utm_source=twitter_amp&utm_medium=social&utm_campaign=socialsharebuttons&from=mdr)
7. <https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post>
8. <https://economictimes.indiatimes.com > Magazines > Panache>
9. <https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations>
10. <https://www.ndtv.com/india-news/metoo-metoo-movement-artist-subodh-gupta-sexual-harassment-charges-are-false-fabricated-1962749>
11. <https://www.thehindu.com/news/national/other-states/metoo-artist-subodh-gupta-accused-of-serial-offences/article25736107.ece>
12. <https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html>
13. <http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/>
14. <https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html>
15. [https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675\\_1.html](https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675_1.html)

16. <https://news.artnet.com/art-world/artist-subodh-gupta-metoo-allegations-1424590>
17. <https://www.artforum.com/news/-77979>
18. <https://economictimes.indiatimes.com/magazines/panache/metoo-subodh-gupta-denies-sexual-misconduct-allegations-calls-them-entirely-false-and-fabricated/articleshow/67090974.cms>
19. <https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post>
20. <https://economictimes.indiatimes.com/magazines/panache/metoo-fallout-subodh-gupta-steps-down-as-curator-of-goas-serendipity-arts-festival-a-day-after-denying-allegations/articleshow/67102009.cms>
21. <https://www.thehindu.com/entertainment/art/metooindia-subodh-gupta-steps-down-as-serendipity-arts-festival-2018s-curator/article25743036.ece>
22. <https://www.ndtv.com/india-news/metoo-accused-artist-subodh-gupta-to-skip-india-art-fair-jaipur-literature-festival-1981683>
23. <https://www.mid-day.com/articles/metoo-allegations-of-sexual-harassment-surface-against-artist-subodh-gupta/401959>
24. <https://swarajyamag.com/insta/artist-subodh-gupta-pulls-out-as-curator-of-go-art-festival-in-wake-of-metoo-allegations>
25. <https://www.indianwomenblog.org/contemporary-artist-subodh-gupta-accused-of-sexual-harassment-in-an-anonymous-post/>
26. <https://www.indianwomenblog.org/contemporary-artist-subodh-gupta-accused-of-sexual-harassment-in-an-anonymous-post/>
27. [https://www.google.com/search?q=25.+https%3A%2F%2Fwww.indianwomenblog.org%2Fcontemporary-artist-subodh-gupta-accused-of-sexual-harassment-in-an-anonymous-post%2F&rlz=1C1SQJL\\_enIN788IN788&oq=25.+https%3A%2F%2Fwww.indianwomenblog.org%2Fcontemporary-artist-subodh-gupta-accused-of-sexual-harassment-in-an-anonymous-post%2F&aqs=chrome..69i57.328j0j9&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=25.+https%3A%2F%2Fwww.indianwomenblog.org%2Fcontemporary-artist-subodh-gupta-accused-of-sexual-harassment-in-an-anonymous-post%2F&rlz=1C1SQJL_enIN788IN788&oq=25.+https%3A%2F%2Fwww.indianwomenblog.org%2Fcontemporary-artist-subodh-gupta-accused-of-sexual-harassment-in-an-anonymous-post%2F&aqs=chrome..69i57.328j0j9&sourceid=chrome&ie=UTF-8)
28. <http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/>
29. <https://www.deccanherald.com/national/metoo-subodh-gupta-serial-707978.html>
30. <https://www.artsy.net/news/artsy-editorial-sexual-harassment-allegations-artist-subodh-gupta-stepped-festivals-co-curator>
31. <https://www.artsy.net/news/artsy-editorial-artist-subodh-gupta-accused-sexual-harassment>
32. <https://www.livemint.com/Leisure/OKkqw94Hm2o39YVPCRD3XO/The-Guerrilla-Girls-and-other-aliens-land-in-Kochi.html>
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35. <https://www.artforum.com/news/-77979>
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48. <https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations>
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78. [https://www.google.co.in/search?sxsrf=ACYBGNSvcvs1xkTci0IBUNm0hBUhMwihjQ%3A1568609325668&source=hp&ei=LRR\\_Xe6LJojZvASh66yAAQ&q=subodh+gupta+metoo&oq=subodh+gupta+metoo&gs\\_l=psy-ab.3..35i39.1329.6615..7163...0.0..2.539.4768.0j18j3j0j1j1.....0....1..gws-wiz.....10..35i362i39j0i67j0i131j33i160j35i304i39j0i13.Rq1vl7zz-HI&ved=0ahUKEwui1pSNxdTkAhWIL8KHaE1CxAQ4dUDCAY&uact=5](https://www.google.co.in/search?sxsrf=ACYBGNSvcvs1xkTci0IBUNm0hBUhMwihjQ%3A1568609325668&source=hp&ei=LRR_Xe6LJojZvASh66yAAQ&q=subodh+gupta+metoo&oq=subodh+gupta+metoo&gs_l=psy-ab.3..35i39.1329.6615..7163...0.0..2.539.4768.0j18j3j0j1j1.....0....1..gws-wiz.....10..35i362i39j0i67j0i131j33i160j35i304i39j0i13.Rq1vl7zz-HI&ved=0ahUKEwui1pSNxdTkAhWIL8KHaE1CxAQ4dUDCAY&uact=5)
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For the Plaintiff

Siddharth Garg and Neoma Vasdev

Counsels for the Plaintiff

DATED 01.10.2019



IN THE HIGH COURT OF DELHI AT NEW DELHI  
(ORDINARY ORIGINAL CIVIL JURISDICTION)  
CS (OS) NO. \_\_\_\_\_ OF 2019

IN THE MATTER OF:

Subodh Gupta

Plaintiff

versus

Herdsceneand & Ors

Defendants

S.No	Few of the URL/ Web-links on the Defendants internet platforms hosting the defamatory content against the Plaintiff
1.	<a href="https://www.instagram.com/herdsceneand/?hl=en">https://www.instagram.com/herdsceneand/?hl=en</a>
2.	<a href="https://www.instagram.com/p/BrUMo18nUp8/">https://www.instagram.com/p/BrUMo18nUp8/</a>
3.	<a href="https://www.instagram.com/p/Bs3JBfVn1No/">https://www.instagram.com/p/Bs3JBfVn1No/</a>
4.	<a href="https://economictimes.indiatimes.com/magazines/panache/metoo-fallou...festival-a-day-after-denying-allegations/printarticle/67102009.cms">https://economictimes.indiatimes.com/magazines/panache/metoo-fallou...festival-a-day-after-denying-allegations/printarticle/67102009.cms</a>
5.	<a href="https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post">https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post</a>
6.	<a href="https://economictimes.indiatimes.com/magazines/panache/metoo-subod...alls-them-entirely-false-and-fabricated/printarticle/67090974.cm">https://economictimes.indiatimes.com/magazines/panache/metoo-subod...alls-them-entirely-false-and-fabricated/printarticle/67090974.cm</a>
7.	<a href="http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/">http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/</a>
8.	<a href="https://www.artforum.com/news/-77979">https://www.artforum.com/news/-77979</a>
9.	<a href="https://news.artnet.com/art-world/artist-subodh-gupta-metoo-allegations-1424590">https://news.artnet.com/art-world/artist-subodh-gupta-metoo-allegations-1424590</a>

10.	<a href="https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675_1.html">https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675_1.html</a>
11.	<a href="https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations">https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations</a>
12.	<a href="https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html">https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html</a>
13.	<a href="https://www.google.com/search?q=subodh+gupta+metoo&amp;rlz=1C1SQJL_enIN788IN788&amp;oq=subodh+gupta+metoo&amp;aqs=chrome..69i57j69i60l3.3838j0j7&amp;sourceid=chrome&amp;ie=UTF-8">https://www.google.com/search?q=subodh+gupta+metoo&amp;rlz=1C1SQJL_enIN788IN788&amp;oq=subodh+gupta+metoo&amp;aqs=chrome..69i57j69i60l3.3838j0j7&amp;sourceid=chrome&amp;ie=UTF-8</a>
14.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSp8XlhIQ2EHLHSfX_-gz1u3qcl0w%3A1568343269422&amp;ei=5QR7XYSzGdjbrQGet5L4Dw&amp;q=subodh+gupta+anonymous&amp;oq=subodh+gupta+anonymous&amp;gs_l=psy-ab.3...8969.11769..12016...0.0..0.301.1710.0j6j2j1.....0....1..gws-wiz.....35i39j0i8i67j0i22i30j38j33i160j33i21.DzDjOWZc_v4&amp;ved=0ahUKEwjEudb75czkAhXYbSsKHZ6bBP8Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSp8XlhIQ2EHLHSfX_-gz1u3qcl0w%3A1568343269422&amp;ei=5QR7XYSzGdjbrQGet5L4Dw&amp;q=subodh+gupta+anonymous&amp;oq=subodh+gupta+anonymous&amp;gs_l=psy-ab.3...8969.11769..12016...0.0..0.301.1710.0j6j2j1.....0....1..gws-wiz.....35i39j0i8i67j0i22i30j38j33i160j33i21.DzDjOWZc_v4&amp;ved=0ahUKEwjEudb75czkAhXYbSsKHZ6bBP8Q4dUDCAs&amp;uact=5</a>
15.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNQzP2Yrt3nKQslhC0EUT4k_xWgVnA%3A1568343359261&amp;ei=PwV7XZfKD4j99QPlo5No&amp;q=subodh+gupta+herdsceneand+&amp;oq=subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...2046.2933..6339...0.0..1.541.1166.0j2j1j5-1.....0....1..gws-wiz.....35i59.krVYn9NcP3s&amp;ved=0ahUKEwjX5cGm5szkAhWlfn0KHeXRBA0Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNQzP2Yrt3nKQslhC0EUT4k_xWgVnA%3A1568343359261&amp;ei=PwV7XZfKD4j99QPlo5No&amp;q=subodh+gupta+herdsceneand+&amp;oq=subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...2046.2933..6339...0.0..1.541.1166.0j2j1j5-1.....0....1..gws-wiz.....35i59.krVYn9NcP3s&amp;ved=0ahUKEwjX5cGm5szkAhWlfn0KHeXRBA0Q4dUDCAs&amp;uact=5</a>
16.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNTxC2LYgj9bCDvO_E5AMUIMYvlBrA%3A1568343432185&amp;ei=iAV7Xcz7CteA9QOa74CIDw&amp;q=subodh+gupta+sexual+facebook&amp;oq=subodh+gupta+sexual+facebook&amp;gs_l=psy-ab.3...2241.2241..2666...0.0..0.187.187.0j1.....0....1..gws-wiz.XYJr_H5r9gU&amp;ved=0ahUKEwjM36TJ5szkAhVXQH0KHZo3APEQ4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNTxC2LYgj9bCDvO_E5AMUIMYvlBrA%3A1568343432185&amp;ei=iAV7Xcz7CteA9QOa74CIDw&amp;q=subodh+gupta+sexual+facebook&amp;oq=subodh+gupta+sexual+facebook&amp;gs_l=psy-ab.3...2241.2241..2666...0.0..0.187.187.0j1.....0....1..gws-wiz.XYJr_H5r9gU&amp;ved=0ahUKEwjM36TJ5szkAhVXQH0KHZo3APEQ4dUDCAs&amp;uact=5</a>
17.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSYEoHaa8HANRwRSatA7b">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSYEoHaa8HANRwRSatA7b</a>

	<p>eaBa72Tw%3A1568343497930&amp;ei=yQV7XYXBOMS o9QOf7KToCg&amp;q=instagram+subodh+gupta+herdscen eand+&amp;oq=instagram+subodh+gupta+herdsceneand+&amp; gs_l=psy- ab.3...3662.12965..13174...0.0..0.298.4672.0j26j3.....0.. ..1..gws- wiz.....35i39j0i131j0j0i20i263j0i22i30j0i13i30j0i8i13i 30.AhBWv29dDW8&amp;ved=0ahUKEwjFydHo5szkAhV EVH0KHR82Ca0Q4dUDCAs&amp;uact=5</p>
18.	<p>https://www.google.com/search?rhz=1C1SQJL_enIN78 8IN788&amp;sxsrf=ACYBGNRc- bHjoRi6WLoCD0xo7CJ3q_QNoA%3A156834353148 9&amp;ei=6wV7XZnCHZb49QPq9IvwDw&amp;q=subodh+gup ta+sexual+harasser&amp;oq=subodh+gupta+sexual+harasse r&amp;gs_l=psy- ab.3...84259.95207..95603...2.0..0.232.4972.0j30j3.....0 ....1..gws- wiz.....10..35i362i39j35i39j0i67j0j0i20i263j0i131i67j0i 8i67j0i22i30j38j0i22i10i30.kjdLct1AdU&amp;ved=0ahUK EwjZ49H45szkAhUWfH0KHWr6Av4Q4dUDCAs&amp;ua ct=5</p>
19.	<p>https://www.google.co.in/search?sxsrf=ACYBGNSvcv s1xkTci0IBUNm0hBUhMwihjQ%3A1568609325668&amp; source=hp&amp;ei=LRR_Xe6LJojZvASh66yAAQ&amp;q=subo dh+gupta+metoo&amp;oq=subodh+gupta+metoo&amp;gs_l=psy - ab.3..35i39.1329.6615..7163...0.0..2.539.4768.0j18j3j0j 1j1.....0....1..gws- wiz.....10..35i362i39j0i67j0j0i131j33i160j35i304i39j0i 13.Rq1vl7zz- HI&amp;ved=0ahUKEwiulpSNxdTkAhWIL8KHAE1CxA Q4dUDCAY&amp;uact=5</p>

Through: *Neoma*  
Neoma Vasdev &  
Sidharth Garg  
Advocates for the Plaintiff  
Flat no. 502, Block 10,

DATED:  
NEW DELHI

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CS(OS) 483/2019

SUBODH GUPTA

..... Plaintiff

Through: Mr. Sandeep Sethi, Sr. Adv. &  
Mr. Kailash Vasdev, Sr. Adv. with  
Ms. Neoma Vasdev, Mr. Siddharth  
Garg & Mr. Samarth Khanna, Adv.

versus

HERDSCENEAND & ORS.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 18.09.2019

IA No.12911/2019(exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CS(OS) 483/2019, IA No.12910/2019(u/O.XXXIX R.1&2 CPC) &  
IA No.12912(u/O.VII R-14(3).CPC)

3. On request, the counsel for the plaintiff has been permitted to correct the typographical errors in the prayer paragraphs (c) and (f) of the plaint, under his signatures, in today's date.
4. The plaintiff is aggrieved from the defamatory content on a media handle / Instagram account 'Herdsceneand@gmail.com' and contents whereof are available on the search engine of the defendant no.5 Google Incorporated, against the name of the plaintiff.
5. Issue summons of the suit and the notice of the application for interim relief to the defendants, electronically, returnable on 30<sup>th</sup> September, 2019.

CS(OS) 483/2019

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*True copy*  
*[Signature]*  
Court Master  
High Court of Delhi  
New Delhi  
19/09/19

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6. I have enquired from the senior counsel for the plaintiff, whether any of the alleged victims of the plaintiff has been named in the allegedly defamatory content and whether any such person has identified himself/herself and whether any legal or other proceedings have been initiated against the plaintiff or relating to the contents published.

7. The answer is in the negative.

8. *Prima facie*, it appears that the allegations as made in the allegedly defamatory contents, cannot be permitted to be made in public domain/published without being backed by legal recourse. The same if permitted, is capable of mischief.

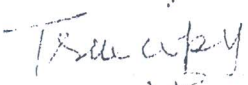
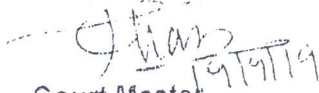
9. The senior counsel for the plaintiff, on enquiry, under instructions states that the URLs/weblinks, list whereof is given, have no other context save pertaining to plaintiff.

10. Till the next date of hearing, the defendant no.1 'Herdsceand' is restrained from posting on its Instagram account any content pertaining to the plaintiff, and the defendants namely (i) Herdsceand; (ii) Instagram LLC; (iii) Facebook, Incorporated; (iv) Facebook Ireland Limited; (v) Google Incorporated; and, (vi) Google India Pvt. Ltd. are also directed to forthwith, on service of the copy of this order, remove/take down the defamatory posts/articles/all content pertaining to the plaintiff and block the following URLs/web links:

1.	<a href="https://www.instagram.com/p/BrUMo18nUp8/">https://www.instagram.com/p/BrUMo18nUp8/</a>
2.	<a href="https://www.instagram.com/p/Bs3JBfVn1No/">https://www.instagram.com/p/Bs3JBfVn1No/</a>
3.	<a href="https://economictimes.indiatimes.com/magazines/panache/metoo-fallou...festival-a-day-after-denying-allegations/printarticle/67102009.cms">https://economictimes.indiatimes.com/magazines/panache/metoo-fallou...festival-a-day-after-denying-allegations/printarticle/67102009.cms</a>

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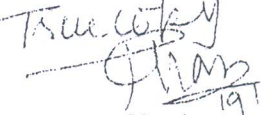
  
  
 Court Master  
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4.	<a href="https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post">https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post</a>
5.	<a href="https://economictimes.indiatimes.com/magazines/panache/metoo-subod...all-them-entirely-false-and-fabricated/printarticle/67090974.cm">https://economictimes.indiatimes.com/magazines/panache/metoo-subod...all-them-entirely-false-and-fabricated/printarticle/67090974.cm</a>
6.	<a href="http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/">http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/</a>
7.	<a href="https://www.artforum.com/news/-77979">https://www.artforum.com/news/-77979</a>
8.	<a href="https://news.artnet.com/art-world/artist-subodh-gupta-metoo-allegations-1424590">https://news.artnet.com/art-world/artist-subodh-gupta-metoo-allegations-1424590</a>
9.	<a href="https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675_1.html">https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675_1.html</a>
10.	<a href="https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations">https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations</a>
11.	<a href="https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html">https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html</a>
12.	<a href="https://www.google.com/search?q=subodh+gupta+metoo&amp;rlz=1C1SQJL_enIN788IN788&amp;oq=subodh+gupta+metoo&amp;aqs=chrome..69i57j69i60l3.3838j0j7&amp;sourceid=chrome&amp;ie=UTF-8">https://www.google.com/search?q=subodh+gupta+metoo&amp;rlz=1C1SQJL_enIN788IN788&amp;oq=subodh+gupta+metoo&amp;aqs=chrome..69i57j69i60l3.3838j0j7&amp;sourceid=chrome&amp;ie=UTF-8</a>
13.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSp8X1hIQ2EHLHSIX_-gz1u3qcI0w%3A1568343269422&amp;ei=5QR7XYSzGdjbrQGet5L4Dw&amp;q=subodh+gupta+anonymous&amp;oq=subodh+gupta+anonymous&amp;gs_l=psy-ab.3...8969.11769..12016...0.0..0.301.1710.0j6j2j1.....0....1..gws-wiz.....35i39j0i8i67j0i22i30j38j33i160j33i21.DzDjOWZc_v4&amp;ved=0ahUKEwjfudb75czkAhXYbSsKIIZ6bBP8Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSp8X1hIQ2EHLHSIX_-gz1u3qcI0w%3A1568343269422&amp;ei=5QR7XYSzGdjbrQGet5L4Dw&amp;q=subodh+gupta+anonymous&amp;oq=subodh+gupta+anonymous&amp;gs_l=psy-ab.3...8969.11769..12016...0.0..0.301.1710.0j6j2j1.....0....1..gws-wiz.....35i39j0i8i67j0i22i30j38j33i160j33i21.DzDjOWZc_v4&amp;ved=0ahUKEwjfudb75czkAhXYbSsKIIZ6bBP8Q4dUDCAs&amp;uact=5</a>
14.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNQzP2YrI3nKQslhC0I:UT4k_xWgVnA%3A1568343359261&amp;ei=PwV7XZIKD4j99QPlo5No&amp;q=subodh+gupta+herdsceneand+&amp;oq=subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...2046.2933..6339...0.0..1.541.1166.0j2j1j5-1.....0....1..gws-wiz.....35i39.krVYn9NcP3s&amp;ved=0ahUKEWjX5cGm5szkAhWIfn0KHeXRBA0Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNQzP2YrI3nKQslhC0I:UT4k_xWgVnA%3A1568343359261&amp;ei=PwV7XZIKD4j99QPlo5No&amp;q=subodh+gupta+herdsceneand+&amp;oq=subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...2046.2933..6339...0.0..1.541.1166.0j2j1j5-1.....0....1..gws-wiz.....35i39.krVYn9NcP3s&amp;ved=0ahUKEWjX5cGm5szkAhWIfn0KHeXRBA0Q4dUDCAs&amp;uact=5</a>
15.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNTxC2LYgj9bCDvO1E5AMUjMYvIBrA%3A1568343432185&amp;ei=iAV7Xcz7CteA9QOa74CIDw&amp;q=subodh+gupta+sexual+facebook&amp;oq=subodh+gupta+sexual+facebook&amp;gs_l=psy-ab.3...2241.2241..2666...0.0..0.187.187.0j1.....0....1..gws-wiz...XYJr_H15r9gU&amp;ved=0ahUKEWjM36TJ5szkAhVXQH0KHZ03APEQ4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNTxC2LYgj9bCDvO1E5AMUjMYvIBrA%3A1568343432185&amp;ei=iAV7Xcz7CteA9QOa74CIDw&amp;q=subodh+gupta+sexual+facebook&amp;oq=subodh+gupta+sexual+facebook&amp;gs_l=psy-ab.3...2241.2241..2666...0.0..0.187.187.0j1.....0....1..gws-wiz...XYJr_H15r9gU&amp;ved=0ahUKEWjM36TJ5szkAhVXQH0KHZ03APEQ4dUDCAs&amp;uact=5</a>
16.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSYfEoIlaq8IIANRwRSatA7beaBa72Tw%3A1568343497930&amp;ei=yQV7XYXBOMSo9QOI7KT0Cg&amp;q=instagram+subodh+gupta+herdsceneand+&amp;oq=instagram+subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...3662.12965..13174...0.0..0.298.4672.0j26j3.....0....1..gws-wiz.....35i39j0i13i1j0i20i263j0i22i30j0i13i30j0i8i13i30.AhBWv29dDW8&amp;ved=0ahUKEWjFydI1o5szkAhVEVH0KH82Ca0Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSYfEoIlaq8IIANRwRSatA7beaBa72Tw%3A1568343497930&amp;ei=yQV7XYXBOMSo9QOI7KT0Cg&amp;q=instagram+subodh+gupta+herdsceneand+&amp;oq=instagram+subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...3662.12965..13174...0.0..0.298.4672.0j26j3.....0....1..gws-wiz.....35i39j0i13i1j0i20i263j0i22i30j0i13i30j0i8i13i30.AhBWv29dDW8&amp;ved=0ahUKEWjFydI1o5szkAhVEVH0KH82Ca0Q4dUDCAs&amp;uact=5</a>

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17.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBG NRc-bI1joRi6WLoCD0xo7CJ3q_QNoA%3A1568343531489&amp;ei=6wV7XZnCH7b49QPq9IvwDw&amp;q=subodh+gupta+sexual+harasser&amp;oq=subodh+gupta+sexual+harasser&amp;gs_l=psy-ab.3...84259.95207.95603...2.0.0.232.4972.0j30j3.....0....1..gws-wiz.....10...35i362i39j35i39j0i67j0j0i20i263j0i131i67j0i8i67j0i22i30j38j0i22i10i30.kjdl.tet1AdU&amp;ved=0ahUKFwjZ49H45szkAhUWf10KHWr6Av4Q4dUDCA s&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBG NRc-bI1joRi6WLoCD0xo7CJ3q_QNoA%3A1568343531489&amp;ei=6wV7XZnCH7b49QPq9IvwDw&amp;q=subodh+gupta+sexual+harasser&amp;oq=subodh+gupta+sexual+harasser&amp;gs_l=psy-ab.3...84259.95207.95603...2.0.0.232.4972.0j30j3.....0....1..gws-wiz.....10...35i362i39j35i39j0i67j0j0i20i263j0i131i67j0i8i67j0i22i30j38j0i22i10i30.kjdl.tet1AdU&amp;ved=0ahUKFwjZ49H45szkAhUWf10KHWr6Av4Q4dUDCA s&amp;uact=5</a>
18.	<a href="https://www.google.co.in/search?sxsrf=ACYBGNSvcvs1xkTci01BUNm0hBUhMwilhQ%3A1568609325668&amp;source=hp&amp;ei=LRR_Xe6LJojZvASh66yAAQ&amp;q=subodh+gupta+metoo&amp;oq=subodh+gupta+metoo&amp;gs_l=psy-ab.3...35i39.1329.6615..7163...0.0..2.539.4768.0j18j3j0j1j1.....0....1..gws-wiz.....10...35i362i39j0i67j0j0i131j33i160j35i304i39j0i13.Rq1v17zz-III&amp;ved=0ahUKF:wiu1pSNxdTkAhWIL18KHa!1CxAQ4dUDCAY&amp;uact=5">https://www.google.co.in/search?sxsrf=ACYBGNSvcvs1xkTci01BUNm0hBUhMwilhQ%3A1568609325668&amp;source=hp&amp;ei=LRR_Xe6LJojZvASh66yAAQ&amp;q=subodh+gupta+metoo&amp;oq=subodh+gupta+metoo&amp;gs_l=psy-ab.3...35i39.1329.6615..7163...0.0..2.539.4768.0j18j3j0j1j1.....0....1..gws-wiz.....10...35i362i39j0i67j0j0i131j33i160j35i304i39j0i13.Rq1v17zz-III&amp;ved=0ahUKF:wiu1pSNxdTkAhWIL18KHa!1CxAQ4dUDCAY&amp;uact=5</a>

11. The defendant no.2 Instagram LCC is also directed to, on the next date of hearing, furnish to this Court in a sealed envelope, the particulars of the person/entity behind the Instagram account 'Herdsceaneand'.

12. The provisions of Order XXXIX Rule 3 of the CPC be complied forthwith.

Dasti under signatures of the Court Master.

30/12  
RAJIV SAHAI ENDLAW, J

SEPTEMBER 18, 2019

'ak'

*Truecopy*  
*[Signature]*  
Court Master  
High Court of Delhi  
New Delhi  
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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CS(OS) 483/2019

SUBODH GUPTA

..... Plaintiff

Through: Mr. Sandeep Sethi, Sr. Adv. &  
Mr. Kailash Vasdev, Sr. Adv. with  
Ms. Neoma Vasdev, Mr. Siddharth  
Garg & Mr. Samarth Khanna, Adv.

versus

HERDSCENEAND & ORS.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 18.09.2019

IA No.12911/2019(exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CS(OS) 483/2019, IA No.12910/2019(u/O.XXXIX R.1&2 CPC) &  
IA No.12912(u/O.VII R-14(3) CPC).

3. On request, the counsel for the plaintiff has been permitted to correct the typographical errors in the prayer paragraphs (c) and (f) of the plaint, under his signatures, in today's date.
4. The plaintiff is aggrieved from the defamatory content on a media handle / Instagram account 'Herdsceneand@gmail.com' and contents whereof are available on the search engine of the defendant no.5 Google Incorporated, against the name of the plaintiff.
5. Issue summons of the suit and the notice of the application for interim relief to the defendants, electronically, returnable on 30<sup>th</sup> September, 2019.

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*[Signature]*  
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6. I have enquired from the senior counsel for the plaintiff, whether any of the alleged victims of the plaintiff has been named in the allegedly defamatory content and whether any such person has identified himself/herself and whether any legal or other proceedings have been initiated against the plaintiff or relating to the contents published.

7. The answer is in the negative.

8. *Prima facie*, it appears that the allegations as made in the allegedly defamatory contents, cannot be permitted to be made in public domain/published without being backed by legal recourse. The same if permitted, is capable of mischief.

9. The senior counsel for the plaintiff, on enquiry, under instructions states that the URLs/weblinks, list whereof is given, have no other context save pertaining to plaintiff.

10. Till the next date of hearing, the defendant no.1 'Herdsceand' is restrained from posting on its Instagram account any content pertaining to the plaintiff, and the defendants namely (i) Herdsceand; (ii) Instagram LLC; (iii) Facebook, Incorporated; (iv) Facebook Ireland Limited; (v) Google Incorporated; and, (vi) Google India Pvt. Ltd. are also directed to forthwith, on service of the copy of this order, remove/take down the defamatory posts/articles/all content pertaining to the plaintiff and block the following URI.s/web links:

1.	<a href="https://www.instagram.com/p/BiUMo18nUp8/">https://www.instagram.com/p/BiUMo18nUp8/</a>
2.	<a href="https://www.instagram.com/p/Bs3JBfVn1No/">https://www.instagram.com/p/Bs3JBfVn1No/</a>
3.	<a href="https://economictimes.indiatimes.com/magazines/panache/metoo-fallou...festival-a-day-after-denying-allegations/printarticle/67102009.cms">https://economictimes.indiatimes.com/magazines/panache/metoo-fallou...festival-a-day-after-denying-allegations/printarticle/67102009.cms</a>

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4.	<a href="https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post">https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post</a>
5.	<a href="https://economictimes.indiatimes.com/magazines/panache/metoo-subodh-gupta-accused-of-sexual-harassment-entirely-false-and-fabricated/printarticle/67090974.cm">https://economictimes.indiatimes.com/magazines/panache/metoo-subodh-gupta-accused-of-sexual-harassment-entirely-false-and-fabricated/printarticle/67090974.cm</a>
6.	<a href="http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/">http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/</a>
7.	<a href="https://www.artforum.com/news/-77979">https://www.artforum.com/news/-77979</a>
8.	<a href="https://news.artnet.com/art-world/artist-subodh-gupta-metoo-allegations-1424590">https://news.artnet.com/art-world/artist-subodh-gupta-metoo-allegations-1424590</a>
9.	<a href="https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675_1.html">https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675_1.html</a>
10.	<a href="https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations">https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations</a>
11.	<a href="https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html">https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html</a>
12.	<a href="https://www.google.com/search?q=subodh+gupta+metoo&amp;rlz=1C1SQJL_enIN788IN788&amp;oq=subodh+gupta+metoo&amp;aqs=chrome..69i57j69i60i3.3838j0j7&amp;sourceid=chrome&amp;ie=UTF-8">https://www.google.com/search?q=subodh+gupta+metoo&amp;rlz=1C1SQJL_enIN788IN788&amp;oq=subodh+gupta+metoo&amp;aqs=chrome..69i57j69i60i3.3838j0j7&amp;sourceid=chrome&amp;ie=UTF-8</a>
13.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSp8XIhIQ2EHLHSIX_-gzlu3qc10w%3A1568343269422&amp;ei=5QR7XYSzGdjbrQGet5L4Dw&amp;q=subodh+gupta+anonymous&amp;oq=subodh+gupta+anonymous&amp;gs_l=psy-ab.3...8969.11769..12016...0.0..0.301.1710.0j6j2j1.....0....1..gws-wiz.....35i39j0i8i67j0i22i30j38j33i160j33i21.DzDjOWZc_v4&amp;ved=0ahUKEwjIudb75czkAhXYbSsKIIZ6bBP8Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSp8XIhIQ2EHLHSIX_-gzlu3qc10w%3A1568343269422&amp;ei=5QR7XYSzGdjbrQGet5L4Dw&amp;q=subodh+gupta+anonymous&amp;oq=subodh+gupta+anonymous&amp;gs_l=psy-ab.3...8969.11769..12016...0.0..0.301.1710.0j6j2j1.....0....1..gws-wiz.....35i39j0i8i67j0i22i30j38j33i160j33i21.DzDjOWZc_v4&amp;ved=0ahUKEwjIudb75czkAhXYbSsKIIZ6bBP8Q4dUDCAs&amp;uact=5</a>
14.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNQzP2Yr13nKQslhC0EUT4k_xWgVnA%3A1568343359261&amp;ei=PwV7XZfKD4j99QPl05No&amp;q=subodh+gupta+herdsceneand+&amp;oq=subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...2046.2933.6339...0.0..1.541.1166.0j2j1j5-1.....0....1..gws-wiz.....35i39.krVYn9NcP3s&amp;ved=0ahUKEWjX5cGm5szkAhWIfn0KHeXRBA0Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNQzP2Yr13nKQslhC0EUT4k_xWgVnA%3A1568343359261&amp;ei=PwV7XZfKD4j99QPl05No&amp;q=subodh+gupta+herdsceneand+&amp;oq=subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...2046.2933.6339...0.0..1.541.1166.0j2j1j5-1.....0....1..gws-wiz.....35i39.krVYn9NcP3s&amp;ved=0ahUKEWjX5cGm5szkAhWIfn0KHeXRBA0Q4dUDCAs&amp;uact=5</a>
15.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNTxC2LYgj9bCDvO_E5AMUIMyVlBrA%3A1568343432185&amp;ei=iAV7Xcz7CteA9QOa74CIDw&amp;q=subodh+gupta+sexual+facebook&amp;oq=subodh+gupta+sexual+facebook&amp;gs_l=psy-ab.3...2241.2241..2666...0.0..0.187.187.0j1.....0....1..gws-wiz.XYJr_H5r9gU&amp;ved=0ahUKEWjM36TJ5szkAhVXQH0KHZ03APEQ4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNTxC2LYgj9bCDvO_E5AMUIMyVlBrA%3A1568343432185&amp;ei=iAV7Xcz7CteA9QOa74CIDw&amp;q=subodh+gupta+sexual+facebook&amp;oq=subodh+gupta+sexual+facebook&amp;gs_l=psy-ab.3...2241.2241..2666...0.0..0.187.187.0j1.....0....1..gws-wiz.XYJr_H5r9gU&amp;ved=0ahUKEWjM36TJ5szkAhVXQH0KHZ03APEQ4dUDCAs&amp;uact=5</a>
16.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSYEOlhaq8I1ANRwRSatA7bea3a72Tw%3A1568343497930&amp;ei=yQV7XYXBOMSo9QOI7KT0cG&amp;q=instagram+subodh+gupta+herdsceneand+&amp;oq=instagram+subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...3662.12965..13174...0.0..0.298.4672.0j26j3.....0....1..gws-wiz.....35i39j0i13i1j0i20i263j0i22i30j0i13i30j0i8i13i30.AhBWv29dDW8&amp;ved=0ahUKEWjFydlIo5szkAhVEVHOKHR82Ca0Q4dUDCAs&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBGNSYEOlhaq8I1ANRwRSatA7bea3a72Tw%3A1568343497930&amp;ei=yQV7XYXBOMSo9QOI7KT0cG&amp;q=instagram+subodh+gupta+herdsceneand+&amp;oq=instagram+subodh+gupta+herdsceneand+&amp;gs_l=psy-ab.3...3662.12965..13174...0.0..0.298.4672.0j26j3.....0....1..gws-wiz.....35i39j0i13i1j0i20i263j0i22i30j0i13i30j0i8i13i30.AhBWv29dDW8&amp;ved=0ahUKEWjFydlIo5szkAhVEVHOKHR82Ca0Q4dUDCAs&amp;uact=5</a>

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 Court Master  
 High Court of Delhi  
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17.	<a href="https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBG NRc-bI IjoRi6WLoCD0xo7CJ3q_QNoA%3A1568343531489&amp;ei=6wV7XZnCH7b49QPq9IvwDw&amp;q=subodh+gupta+sexual+harasser&amp;oq=subodh+gupta+sexual+harasser&amp;gs_l=psy-ab.3...84259.95207..95603...2.0..0.232.4972.0j30j3.....0....1..gws-wiz.....10..35i362i39j35i39j0i67j0j0i20i263j0i131i67j0i8i67j0i22i30j38j0i22i10i30.kjdI.tct1AdU&amp;ved=0ahUKEwjZ49H45szkAhUWf10KHWr6Av4Q4dUDCA s&amp;uact=5">https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&amp;sxsrf=ACYBG NRc-bI IjoRi6WLoCD0xo7CJ3q_QNoA%3A1568343531489&amp;ei=6wV7XZnCH7b49QPq9IvwDw&amp;q=subodh+gupta+sexual+harasser&amp;oq=subodh+gupta+sexual+harasser&amp;gs_l=psy-ab.3...84259.95207..95603...2.0..0.232.4972.0j30j3.....0....1..gws-wiz.....10..35i362i39j35i39j0i67j0j0i20i263j0i131i67j0i8i67j0i22i30j38j0i22i10i30.kjdI.tct1AdU&amp;ved=0ahUKEwjZ49H45szkAhUWf10KHWr6Av4Q4dUDCA s&amp;uact=5</a>
18.	<a href="https://www.google.co.in/search?sxsrf=ACYBGNSvcvs1xkTci0iBUNm0hBUhMwiljQ%3A1568609325668&amp;source=hp&amp;ei=LRR_Xe6LJojZvASh66yAAQ&amp;q=subodh+gupta+metoo&amp;oq=subodh+gupta+metoo&amp;gs_l=psy-ab.3..35i39.1329.6615..7163...0.0..2.539.4768.0j18j3j0j1j1.....0....1..gws-wiz.....10..35i362i39j0i67j0j0i131j33i160j35i304i39j0i13.Rq1v17zz-III&amp;ved=0ahUKEwiulpSNxdTkAhWIL18KHalE1CxAQ4dUDCAY&amp;uact=5">https://www.google.co.in/search?sxsrf=ACYBGNSvcvs1xkTci0iBUNm0hBUhMwiljQ%3A1568609325668&amp;source=hp&amp;ei=LRR_Xe6LJojZvASh66yAAQ&amp;q=subodh+gupta+metoo&amp;oq=subodh+gupta+metoo&amp;gs_l=psy-ab.3..35i39.1329.6615..7163...0.0..2.539.4768.0j18j3j0j1j1.....0....1..gws-wiz.....10..35i362i39j0i67j0j0i131j33i160j35i304i39j0i13.Rq1v17zz-III&amp;ved=0ahUKEwiulpSNxdTkAhWIL18KHalE1CxAQ4dUDCAY&amp;uact=5</a>

11. The defendant no.2 Instagram LCC is also directed to, on the next date of hearing, furnish to this Court in a sealed envelope, the particulars of the person/entity behind the Instagram account 'Herdsceand'.

12. The provisions of Order XXXIX Rule 3 of the CPC be complied forthwith.

Dasti under signatures of the Court Master.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 18, 2019

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 Court Master 15/9/19  
 High Court of Delhi  
 New Delhi

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 483/2019 & IAs No.12910/2019 (u/O XXXIX R-1&2 CPC) & 12912/2019 (u/O VII R-14(3) CPC)

SUBODH GUPTA

..... Plaintiff

Through: Mr. Kailash Vasdev and Mr. Sandeep Sethi, Sr. Advs. with Ms. Neoma Vasdev and Mr. Siddharth Garg, Advs.

Versus

HERDSCENEAND & ORS.

..... Defendants

Through: Mr. Parag Tripathi, Sr. Adv. with Mr. Ajit Warrior, Ms. Richa Srivastava, Mr. Shijo George, Ms. Nayantara Narayan, Mr. Laltaksh, Mr. Dhruv Bhatnagar, Ms. Mishika Bajpai, Ms. Malika Mehra and Mr. Ujval Mohan, Advs. for D-4.  
Mr. Neel Mason, Mr. Vihan Dang, Ms. Sanukta Banerjee and Mr. Shivang Sharma, Advs. for D-5.  
Mr. Akhil Anand, Adv. for D-6.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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30.09.2019

1. In pursuance to the summons issued, the counsels for the defendants No.4,5 & 6 appear.
2. None appears for the defendants No.1 to 3.
3. The senior counsel for the plaintiff states that the defendant No.2 is the platform on which defendant No.1 is a page/handle account.

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4. Though the report of service of summons is awaited but the plaintiff has filed affidavit of service and the senior counsel for the plaintiff states that the defendants No.1 to 3 have also been served.
5. The defendant No.2 has also not complied with the direction contained in paragraph 11 of the order dated 18<sup>th</sup> September, 2019.
6. The counsel for the defendant No.5 states that the serial numbers 12 to 18 in the table contained in paragraph 10 of the order dated 18<sup>th</sup> September, 2019 are search results and not URLs and the said search results lead to a large number of URLs, all of which may not contain defamatory content. It is thus contended that the plaintiff may point out URLs containing the defamatory content and which would be removed.
7. The plaintiff to intimate to the defendant No.5 the URLs containing the defamatory content and the defendant No.5 Google Inc. is directed to, within 72 hours of said communication, remove the URLs so informed by the counsel for the plaintiff.
8. The counsel for the defendant No.5 further states that the items at serial Nos.3 to 11 in the table contained in paragraph 10 of the order dated 18<sup>th</sup> September, 2019 are URLs by publishers of newspapers and magazines.
9. It is directed that the defendant No.5 Google Inc., in terms of the order dated 18<sup>th</sup> September, 2019, to block the said URLs on the search results.
10. The senior counsel for the defendant No.4 Facebook Ireland Limited states that the defendant No.4 Facebook Ireland Limited has no control over Facebook Inc.

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11. The senior counsels for the plaintiff state that Facebook Inc. has no internet address.
12. The senior counsel for the defendant No.4 states that the counsel for the defendant No.4 will within two days furnish to the counsel for the plaintiff the internet address of Facebook Inc.
13. The senior counsel for the defendant No.4 states that the defendant No.2 Instagram LLC and defendant No.4 Facebook Ireland Limited be deleted.
14. The senior counsels for the plaintiff state that they will verify.
15. On the statement aforesaid of the senior counsel for the defendant No.4, defendant No.3 Facebook Inc. which is stated to control defendant No.2 Instagram LLC are now again directed to, on the next date of hearing, furnish to this Court in a sealed envelope the particulars of the person/ entity behind the Instagram Account Herdsceneand.
16. The senior counsel for the plaintiff also states that the email address of defendant No.1 is Herdscene@gmail.com and not Herdsceneand@gmail.com.
17. List on 18<sup>th</sup> November, 2019.

A copy of this order be given *dasti* under the signatures of the Court Master.

sd/r  
RAJIV SAHAI ENDLAW, J.

SEPTEMBER 30, 2019  
'bs'..

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