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

+ **CS(OS) 282/2020**

LIVING MEDIA INDIA LIMITED & ANR. ....Plaintiffs

Through : Mr. Hrishikesh Barua, Adv.

versus

RAKESH KRISHNAN THIYYA@ RAKESH KRISHNAN SIMHA  
& ANR. ....Defendants

Through : Mr. A. Karthik, Adv. for D-2.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **25.09.2020**

[Court hearing convened *via* video-conferencing on account of COVID-19]

**I.A. No. 8619/2020**

1. Allowed. The plaintiffs are permitted to file additional documents.

1.1 The additional documents will be filed within 30 days from today.

**I.A. No. 8620/2020**

2. Allowed, subject to the plaintiffs curing the deficiencies referred to in the captioned application within two weeks from today.

**I.A. No. 8621/2020**

3. This is an application filed by the plaintiffs to seek permission to deposit the deficit court-fee upon the same being received from the vendor i.e. Stock Holding Corporation of India Ltd. [in short "SHCL"].

3.1 Mr. Hrishikesh Barua, who appears for the plaintiffs, however, informs me that the deficit court-fee has already been deposited with the SHCL.

3.2 For this purpose, Mr. Barua has drawn my attention to a copy of the receipt, which is appended on page 1552 of the documents filed by the plaintiffs.

4. In view of the above, the captioned application has been rendered infructuous. The Registry will, however, verify the statement made by Mr. Barua and report accordingly.

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5. The plaintiffs who are, *inter alia*, in the business of disseminating the news are aggrieved by the defamatory and/or derogatory tweets posted by defendant no. 1 on his twitter account.

5.1 It is averred that defendant no. 1 is a former employee of plaintiff no.1. I am informed by Mr. Barua that defendant no. 1 joined as an Assistant Copy Editor with the plaintiff no. 1 on 09.08.1999 and, in this connection, was issued a letter of appointment dated 11.08.1999.

5.2 It is also averred in the plaint that defendant no. 1 resigned on 01.04.2001 and was consequently issued a relieving letter dated 05.04.2001.

5.3 Mr. Barua has taken me through the tweets uploaded by defendant no.1 on the social media platform provided by defendant no. 2 i.e. Twitter Inc. The tweets, *inter alia*, concern the following: killing of the story regarding one, Mr. Sumit Mukherjee; the fudging of circulation figures concerning the India Today magazine; falsely extolling the virtues of a book authored by one, Mr. Raj Chengappa, titled “Weapons of Peace: Secret Story of India’s Quest to Be a Nuclear Power” [In this connection, it has been tweeted by defendant no. 1 that this book was published by a sister concern of plaintiff no. 1 i.e. Books Today]; and, lastly, using a cuss word

*qua* one of the employees of plaintiff no. 2 one, Mr. Rajdeep Sardesai.

5.4 The allegation *qua* Mr. Rajdeep Sardesai is that he would have, perhaps, accepted money for the interview that he conducted with one, Ms. Rhea Chakraborty. Defendant no. 1 has, in this connection, as indicated above, used a cuss word for Mr. Rajdeep Sardesai and called him a “fixer”/ “*dalla*” i.e. a pimp

5.5 Mr. Barua says that each of these allegations is patently false. Insofar as the first allegation is concerned, Mr. Barua has drawn my attention to a story published in the India Today magazine on 14.04.2003. Mr. Barua says that defendant no. 1 could have had no knowledge of how the scam was investigated and, thereafter, reported as he was not even an employee of plaintiff no. 1 at that point in time.

5.6 Insofar as the second allegation regarding circulation is concerned, Mr. Barua has drawn my attention to a report of Audit Bureau of Circulations, Mumbai dated 09.08.2001, which is appended on page 220 of the documents filed by the plaintiff. The said document is indicative of the fact that between January and June 2000, the average circulation of the India Today magazine was 4,24,284 copies while between July and December 2000, the average circulation of the very same magazine was 4,28,546 copies.

5.7 Insofar as the third allegation is concerned, Mr. Barua has emphasized that the aforementioned book i.e. “Weapons of Peace: Secret Story of India’s Quest to Be a Nuclear Power”, authored by Mr. Chengappa, was not published by the sister concern of the plaintiff no. 1 i.e. Books Today.

5.8 Mr. Barua says that the said book was published by Harpercollins Publications India Private Limited. In this behalf, my attention has been drawn by Mr. Barua to page 219 of the documents filed by the plaintiffs.

5.9 Furthermore, insofar as the interview conducted by Mr. Rajdeep Sardesai with Ms. Rhea Chakraborty is concerned, Mr. Barua says that the said interview was conducted on 27.08.2020. A transcript of the interview has been appended on page 159 of the documents filed by the plaintiffs.

6. According to Mr. Barua, there is no basis whatsoever for defendant no. 1, to have uploaded such patently false tweets. Mr. Barua says the reputation of the employees of the plaintiffs and, in this case, Mr. Rajdeep Sardesai, is inextricably linked with the goodwill and business interests of the plaintiffs. In sum the contention of Mr. Barua is that there is no justification whatsoever in defendant no. 1 uploading such defamatory posts on a widely read social media platform.

6.1 Mr. Barua, thus, seeks issuance of a direction to defendant no. 2 to take down the impugned tweets uploaded by defendant no. 1. For this purpose, Mr. Barua, has *inter alia*, referred me to paragraph 18 of the captioned application, wherein, the Uniform Resource Locators [URLs] of the said tweets are set out.

7. Having heard Mr. Barua and perused the record, I am of the view that the plaintiffs have made out, at least at this stage, a *prima facie* case in their favour that the impugned tweets lack justification.

7.1 In any event, the usage of cuss words against an employee of the plaintiffs, not only impacts the reputation of the concerned individual and lowers his image in the eyes of his friends, acquaintances, peers and associates but also impinges upon the business interests of the plaintiffs.

7.2 In my view, opinion, if any, held by defendant no. 1 could have been expressed even while maintaining civility. Since social media platforms are accessed by a large number of persons of various ages, it is expected of users to display sobriety and common courtesies to those towards whom the comments are directed.

8. Accordingly, issue summons in the suit and notice in the captioned application.

8.1 Mr. A. Karthik accepts service on behalf of defendant no. 2.

8.2 On steps being taken, service shall be effected on defendant no. 1 *via* all modes including email.

8.3 I may indicate that Mr. Karthik has taken the position that if this Court were to direct defendant no. 2 to take down the impugned tweets, the order of the Court will be complied with.

9. Accordingly, in the meanwhile, defendant no. 2 is directed to take down the impugned tweets and/or block/suspend the URLs set forth hereafter:

1.	<a href="https://twitter.com/ByRakeshSimha/status/1299255604574171136">https://twitter.com/ByRakeshSimha/status/1299255604574171136</a>
2.	<a href="https://twitter.com/ByRakeshSimha/status/1299259859972489218">https://twitter.com/ByRakeshSimha/status/1299259859972489218</a>
3.	<a href="https://twitter.com/ByRakeshSimha/status/1299261021396201432">https://twitter.com/ByRakeshSimha/status/1299261021396201432</a>
4.	<a href="https://twitter.com/ByRakeshSimha/status/1299262842948837377">https://twitter.com/ByRakeshSimha/status/1299262842948837377</a>
5.	<a href="https://twitter.com/ByRakeshSimha/status/1299263833496666112">https://twitter.com/ByRakeshSimha/status/1299263833496666112</a>
6.	<a href="https://twitter.com/ByRakeshSimha/status/1299264481839652864">https://twitter.com/ByRakeshSimha/status/1299264481839652864</a>
7.	<a href="https://twitter.com/ByRakeshSimha/status/1299265648665661442">https://twitter.com/ByRakeshSimha/status/1299265648665661442</a>
8.	<a href="https://twitter.com/ByRakeshSimha/status/1299266976875909120">https://twitter.com/ByRakeshSimha/status/1299266976875909120</a>
9.	<a href="https://twitter.com/ByRakeshSimha/status/1299268437546418177">https://twitter.com/ByRakeshSimha/status/1299268437546418177</a>
10.	<a href="https://twitter.com/ByRakeshSimha/status/1299269206785941504">https://twitter.com/ByRakeshSimha/status/1299269206785941504</a>
11.	<a href="https://twitter.com/ByRakeshSimha/status/1299271294437867520">https://twitter.com/ByRakeshSimha/status/1299271294437867520</a>
12.	<a href="https://twitter.com/ByRakeshSimha/status/12992722632508903426">https://twitter.com/ByRakeshSimha/status/12992722632508903426</a>
13.	<a href="https://twitter.com/ByRakeshSimha/status/1299273560247037953">https://twitter.com/ByRakeshSimha/status/1299273560247037953</a>
14.	<a href="https://twitter.com/ByRakeshSimha/status/12992744121499480865">https://twitter.com/ByRakeshSimha/status/12992744121499480865</a>
15.	<a href="https://twitter.com/ByRakeshSimha/status/1299275788701769729">https://twitter.com/ByRakeshSimha/status/1299275788701769729</a>
16.	<a href="https://twitter.com/ByRakeshSimha/status/1299276123759468544">https://twitter.com/ByRakeshSimha/status/1299276123759468544</a>

9.1 In order to enable plaintiffs to effect service on defendant no. 1, defendant no. 2 is also directed to furnish the Basic Subscriber Information (BSI) concerning defendant no. 1. This information will be furnished to the plaintiffs within the next 48 hours.

9.2 Besides the aforesaid, defendant no. 1 is also enjoined from uploading, hereafter, derogatory and/or defamatory statements, articles, comments, passages and such like material *qua* the plaintiffs and/or their employees till further orders of this Court.

10. List the matter on 19.11.2020.
11. The plaintiffs will comply with the provisions of Order XXXIX Rule 3 of the CPC within three days from the date of receipt of a copy of this order.

**RAJIV SHAKDHER, J**

**SEPTEMBER 25, 2020**

pmc/KK

*[Click here to check corrigendum, if any](#)*

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