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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 298/2020

AIR INDIA LIMITED Plaintiff
Represented by: Mr.Ravi Prakash and Ms.Bani Dixit,
Advocate

versus

KOTCHELKOT VYANKAT
JAGANNATH RAO & ORS Defendant
Represented by: Mr.A.Karthik, Advocate for
defendant No.2/Twitter.
Mr.Parag P. Tripathi, Sr.Advocate
with Mr.Ajit Warriar, Mr.Gauhar
Mirza, Mr.Yash Karunakaran,
Advocates for defendant
No.3/Facebook.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **09.10.2020**

The hearing has been conducted through Video Conferencing.

I.A. 9139/2020 (exemption from filing original/certified copies)

1. Allowed, subject to all just exceptions.
2. Original documents, if any, be filed within two weeks of the resumption of the normal functioning of the Court.
3. Application is disposed of.

I.A. 9141/2020 (under Section 151 CPC for filing long list of dates)

1. By this application, plaintiff seeks leave to file lengthy list of dates.
2. Leave granted.

3. Application is disposed of.

I.A. 9140/2020 (under Section 151 CPC for placing on record CD)

1. By this application, plaintiff seeks leave to file a CD of the documents.

2. CD of the documents be filed as prayed for in the application within two weeks.

3. Application is disposed of.

CS(OS) 298/2020

I.A. 9138/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Plaintiff be registered as suit.

2. At the outset learned counsels for the defendant No.2 and defendant No.3 states that the defendant No.2 is Twitter Inc. and not Twitter Communications India Pvt. Ltd. and defendant No.3 is Facebook Inc. and not Facebook India Online Services Pvt. Ltd. as impleaded by the plaintiff.

3. Learned counsel for the plaintiff seeks leave to amend the memo of parties impleading Twitter Inc. and Facebook Inc as defendant No.2 and defendant No.3 respectively. Amended memo of parties be filed within two days.

4. Issue summons in the suit and notice in the application to the defendant.

5. Learned counsels for defendant No.2 and defendant No.3 accept summons in the suit and notice in the application.

6. Summons in the suit and notice in the application be now issued to defendant No.1 on the plaintiff taking steps through email, SMS, whatsapp, Speed Post and Courier, returnable before this Court on 22nd February, 2021.

7. Written statement and reply affidavit along with affidavit of

admission/denial be filed within 30 days of the receipt of summons in the suit and notice in the application.

8. Replication and rejoinder affidavit, along with affidavit of admission/denial, be filed within three weeks thereafter.

9. Case of the plaintiff is that the defendant No.1 was employed by the plaintiff however, due to various complaints, number of enquires were initiated and finally his services were terminated in the year 2014. The defendant No.1 is continuously publishing and circulating false and malicious tweets and posts against the plaintiff and its officers in the social media links of the defendant No.2 and defendant No.3, that is, www.twitter.com and www.facebook.com respectively. The tweets and posts put up inter alia insinuate that the plaintiff company operates in a fraudulent manner; management of the company is fraudulent and incompetent; the plaintiff company putting at risk the lives of its crew and passengers and not adhering to the rules and regulations in relation to social distancing and other safety measures; the acts of plaintiff company are being illegally covered up in fraudulent manner and promotions and appointments done in illegal manner; lack of proper management in plaintiff company and complacency as well as rampant corruption etc.

10. A long list of tweets and posts of the defendant No.1 have been placed on record which show that the defendant No.1 has prima facie made libellous insinuation not only against the plaintiff company but people associated with it. List of such tweets has been mentioned at pages 50-82 of the plaint. It prima facie appears that the tweets and posts, put up by the defendant No. 1 against the plaintiff are because of the action of the plaintiff towards the defendant No.1 with regard to number of complaints and

inquires and finally terminating the services in the year 2014. From the averments made in the plaint and the documents filed therewith, this Court finds that the plaintiff has made out a prima facie case in its favour and in case no ex-parte ad-interim injunction is granted the plaintiff would suffer an irreparable loss. Balance of convenience also lies in favour of the plaintiff and against the defendant No.1.

11. Consequently, till the next date of hearing before this Court, defendant No.1 is restrained from in any manner directly or indirectly, publishing and/or commenting or communicating or issuing any video, tweet, article, interview containing or referring to the allegations as stated and similar to that is stated in pages 50-82 of the plaint. Defendant No.1 is further directed to withdraw its defamatory and unwarranted allegations made by defendant No.1 against the plaintiff company and its management in the posts uploaded within one week of the receipt of this order.

12. In case the defendant fails to take down the tweets and the posts, which are prima facie defamatory, as mentioned from pages 50- 82 of the plaint within one week of the service of this order to defendant No.1, on intimation by the plaintiff to learned counsels for defendant Nos.2 and 3 giving specific URLs as mentioned at pages 1009-1018 of the documents in respect of defendant No.2 and the URLs mentioned at pages 1019 to 1021 of the document in respect of defendant No.3, defendant Nos.2 and 3 will take down the impugned tweets/posts within 72 hours of the receipt of the intimation from the plaintiff.

13. Compliance under Order XXXIX Rule 3 CPC be made within one week.

14. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

OCTOBER 09, 2020
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