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

+ **FAO(OS) 61/2020**

SAMEET THAKKAR

..... Appellant

Through: Mr. J Sai Deepak, Mr. Pratyush Prasanna
and Ms. Snigdha Singh, Advocates

versus

TV TODAY NETWORK LIMITED AND ORS Respondents

Through: Mr. Hrishikesh Baruah and Mr. Pranav
Jain, Advocates

Mr. Deepak Gogia and Mr. Jithin M. George,
Advocates for R-3

Mr. Parag P Tripathi, Senior Advocate with Mr.
Tejas Karia, Mr. Ajit Warriar, Mr. Gauhar Mirza,
and Mr. Shijo George and Mr. Thejesh Rajendran,
Advocates for R-4

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **23.11.2020**

HEARD THROUGH VIDEO CONFERENCING

CM 30016/2020 (Exemption)

Allowed, subject to all just exceptions.

FAO(OS) 61/2020 & CM 30017/2020 (Stay)

1. The appellant/defendant No.1 is aggrieved by an order dated 18.11.2020, passed in CS (OS) 123/2020 whereunder, he has been directed to take down 29 sets of Uniform Resource Locaters (URLs) as mentioned in para 11 of the replication filed by the respondent No.1/plaintiff to the written statement of the defendant No.3 in the suit, from his Twitter account within 48 hours of the receipt of the copy of the replication. It was further directed

that in the event, the appellant does not do so, the respondent No.1/plaintiff will write a letter to the defendant No.3 in the suit, giving the specified 29 sets of URLs for it to take them down within 72 hours thereafter.

2. It is an undisputed position that the appellant did not comply with the order dated 18.11.2020 and as a result, the defendant No.3 took down the 29 sets of URLs in question from his Twitter account as directed.

3. Mr. Sai Deepak, learned counsel for the appellant states that a perusal of the order sheet of 18.11.2020 shows that the impugned order has been passed in the suit and not in any of the three applications moved by the respondent No.1/plaintiff (i.e. I.A. No. 3810/2020 under Order XXXIX Rules 1 and 2 CPC, I.A. No. 3977/2020 under Order XXXIX Rules 1 and 2 CPC and I.A. No. 4386/2020 under Order XXXIX Rule 2A CPC). He submits that the appellant had also filed an application for vacation of the *ex parte ad interim* order dated 06.05.2020 in I.A. 6267/2020 which is still pending consideration along with captioned applications that are listed on 14.01.2021 but in view of the impugned order, his plea in the application and the defence taken in the written statement have been rendered virtually infructuous.

4. Learned counsel clarifies on instructions that the appellant was willing to take down the allegedly contemptuous tweets from his Twitter account which are the subject matter of I.A. 4386/2020, moved by the respondent No.1/plaintiff but due to an order passed by the learned CMM, Girgaon District Court, Mumbai restraining him from operating his Twitter account, he could not make compliances. He states in any case, the compliances were not to be made in respect of those 29 sets of URLs which are the subject matter of the suit.

5. Mr. Gogia, learned counsel for the respondent/Twitter Inc. seeks to clarify that the 29 sets of URLs include those which are a subject matter of the contempt application filed by the respondent No.1/plaintiff (I.A. 4386/2020) and I.A. 3810/2020 filed by the respondent No.1/plaintiff under Order XXXIX Rules 1 and 2 CPC. He adds that the appellant has erroneously impleaded respondents No.3 and 4 in the present appeal whereas both the said respondents were directed to be deleted from the memo of parties in terms of the order dated 18.05.2020, passed in the suit proceedings.

6. Mr. Sai Deepak, learned counsel for the appellant states that the error in the impleadment of the respondents No.3 and 4 is *bona fide* and the appellant shall be cautious in the future.

7. Mr. Baruah, learned counsel for the respondent No.1/plaintiff states that to resolve the issue raised, parties may be permitted to approach the learned Single Judge for a clarification of the order dated 18.11.2020 wherein directions have been issued for taking down the 29 sets of URLs so that the said order can be related to any of the pending applications, as may be deemed appropriate.

8. Ordered accordingly. The present appeal is disposed of along with the pending application with liberty granted to the parties to file an appropriate application in CS (OS) 123/2020, for necessary clarification.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

NOVEMBER 23, 2020/hsk