

\$~17

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

Date of Decision: 03rd June, 2021

+ **CS(OS) 246/2021**

T.V. TODAY NETWORK LIMITED Plaintiff

Through: Mr. Hrishikesh Baruah, Advocate with Mr. Shahrukh Ejaz, Ms. Namita Jose and Mr. Nilotpal Bansal, Advocates with Mr. M. N. Nasser Kabir, General Counsel and Mr. Syed Aiman Jalil Hasaney, Legal Counsel of India Today Group.

versus

THE COGNATE & ORS. Defendants

Through: Mohammed Tahir, Advocate for D-1 and D-2.
Mr. Parag P. Tripathi, Senior Advocate with Mr. Tejas Karia, Mr. Ajit Warriar, Mr. Gauhar Mirza, Mr. Shijo George, Mr. Thejesh Rajendran and Ms. Mishika Bajpai, Advocates for D-4.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

JUDGMENT

[VIA VIDEO CONFERENCING]

SANJEEV NARULA, J. (Oral):

I.A. 6412/2021 (u/O XXXIX Rules 1 and 2 r/w Section 151 of the Code of Civil Procedure Code, 1908 for grant of ex-parte ad-interim injunction)

1. The Plaintiff - T.V. Today Network Limited, part of the India Today Group of Companies by way of the present application seeks interim relief, in a suit for permanent and mandatory injunctions and damages against Defendant Nos. 1 and 2 on account of a defamatory *tweet*¹ in the form of an *infographic*² posted on the micro-blogging platform - Twitter (Defendant No. 3), which has also been shared on the social media platforms - Instagram (Defendant No. 4) and Facebook (Defendant No. 5).

2. The India Today Group of Companies has widespread commercial interests in both print and electronic media and is engaged in diverse business activities ranging from printing and publishing of magazines, journals, periodicals, to running of news channels, infotainment programs, organizing conferences, seminars, music shows, and running F.M. radio channels. The Plaintiff operates a Twitter handle '@IndiaToday', verified by Defendant No. 3 as original, to meet the need of the current times and to stay connected with its viewers, consumers and readers in the social media space. On this Twitter handle, the Plaintiff posts breaking news and other news stories to provide information and updates to its audience.

3. The Plaintiff alleges that Defendant No. 1 through Defendant No. 2 has, in a premeditated, planned and systematic manner launched an attack against the Plaintiff-Company by posting a defamatory *infographic* dated 15th April, 2021 and sharing the same on the social media platforms of Defendant Nos. 4 and 5. The said post is *per se* false, baseless and defamatory as it seems to

¹A post made on the Twitter online message service (Merriam-Webster.com)

²A visual representation of information or data (Lexico.com)

suggest that the Plaintiff is adopting two different approaches in news reporting and is biased against the Islamic/ Muslim community.

FACTUAL MATRIX

4. The factual background that led the Defendant Nos. 1 and 2 to upload the impugned *infographic* needs to be briefly noted in order to understand the context of the post.

5. On 1st April, 2021, the ‘*Kumbh Mela*’ kicked off in Haridwar, Uttarakhand and this event was covered by many major media outlets, including the Plaintiff. During the course of its coverage, between 1st April, 2021 and 14th April, 2021, the Plaintiff put up multiple stories/ reports about lack of adherence to COVID-19 protocols, including breach of social distancing norms, at the said event. On this subject, on 14th April, 2021, the Plaintiff, shared two *tweets*. The first *tweet* was displayed under the title “*Covid protocols go for a toss during Kumbh Mela 2021*” and the second *tweet* carried the title “*Lakhs take holy dip to mark Shahi Snan at #Mahakumbh at #Haridwar watch #5iveLive, with @ShivAroor*”. Meanwhile, on 13th April, 2021, the holy month of ‘*Ramadan*’ began in India. The Plaintiff covered the ‘*Ramadan*’ gathering at the ‘*Mecca Masjid*’ in Hyderabad, Telangana and highlighted the violation of COVID-19 protocols at the said gathering as well. This was manifested in the form of the third *tweet*, posted on 14th April, 2021, under the title “*Social distancing goes for a toss at Hyderabad’s Mecca masjid on day 1 of Ramadan*”.

6. Out of the three *tweets* mentioned above, Defendant Nos. 1 and 2 have picked up the second and third *tweets* to create the *infographic* dated 15th

April, 2021, ostensibly with the objective of showing the contrasting and biased approach of the Plaintiff in its reporting of violation of COVID-19 protocols relating to religious gatherings of the Muslim community. The said *infographic*, the apple of discord, as posted on Twitter reads as under: -



CONTENTIONS OF THE PARTIES

7. Mr. Hrishikesh Baruah, learned counsel for the Plaintiff, referring to the afore-said *infographic*, contends that Defendant No. 1 has accused the Plaintiff of ‘*Islamophobia*’³, an imputation that is *per se* defamatory, apart from being misleading and patently false. The defamatory *infographic* and

³Dislike of or prejudice against Islam or Muslims, especially as a political force (Lexico.com)

posts related thereto shared on the platforms of Defendant Nos. 3, 4 and 5 have been viewed by thousands of people, shared multiple times by several influential people, thereby causing substantial damage to the reputation of the Plaintiff. It is bound to continue to affect the Plaintiff's credibility, unless brought down.

8. Mr. Baruah submits that since the *infographic* is founded on falsehood, it becomes evident that the allegations contained therein are made with the sole purpose of defaming the Plaintiff. The Plaintiff prides itself in adhering to the gold standards of journalism and Defendant No. 1's false and malicious defamatory *infographic* is lowering the integrity and commercial reputation of the Plaintiff in the eyes of the right-thinking citizens of the society.

9. Mr. Baruah drew the attention of the Court to various video reports uploaded by the Plaintiff on its website relating to the event of 'Kumbh Mela' as well as 'Ramadan'. On 14th April, 2021, continuing its practice of posting breaking news stories on its Twitter handle- '@IndiaToday', the Plaintiff posted multiple *tweets* relating to the breaking news of the day. The report pertaining to 'Kumbh Mela' was *tweeted* by the Plaintiff on its Twitter handle at 9:32 a.m. on 14th April, 2021, whereas the *tweet* concerning the 'Mecca Masjid' was posted on 14th April, 2021 at 11:54 a.m. In both the reports the Plaintiff emphasized that the absence of social distancing was posing the biggest challenge in efforts to prevent the COVID-19 virus from spreading. The third *tweet* on the 'Kumbh Mela' posted at 5:12 p.m. on 14th April, 2021 also commented upon violation of COVID-19 protocols. However, the Defendant Nos. 1 and 2 intentionally 'cherry picked' headlines of two of the

afore-said *tweets*, to make an incorrect comparison, so as to falsely suggest that the Plaintiff had taken two different approaches and is biased against Islam religion.

10. Mr. Baruah submits that from a perusal of all the news reports that have been published and broadcasted by the Plaintiff, it can easily be inferred, that they have followed “both-sides” journalism. In fact, while covering the ‘*Mecca Masjid*’ incident it was also stated that “.....*social distancing norms even here just like the Kumbh Mela went for a toss as most of those who are offering prayers were seen without masks or social distancing.*” This demonstrates that the Plaintiff did not shy away from reporting the true and correct story, irrespective of the community it pertains to. The Plaintiff has been playing the role of a watchdog to bring forward credible information before a democratic society, so that a reasoned opinion may be formed.

11. Mr. Mohammed Tahir, learned counsel for Defendant Nos. 1 and 2, on the other hand controverts the contentions of the Plaintiff. He argues that a big media conglomerate has filed the present suit to arm-twist an individual who has shown the courage to expose their biased attitude. He defends the *infographic* by arguing that there is nothing false or misleading in the said depiction. In the *infographic*, the titles/ headlines of the *tweets* have been put side-by-side to demonstrate that the Plaintiff’s approach is indeed different when it comes to reporting of an event that pertains to the Islam religion.

12. Mr. Tahir further argued that after the posting of the *infographic* on 15th April, 2021, there was no complaint from the Plaintiff, till 17th April, 2021.

Thereafter, in response to several *Twitterati*⁴ criticising the dual approach of the Plaintiff, a senior journalist of the Plaintiff posted a *tweet*, wherein he admitted to the mistake, by specifically stating that “*we may all make mistakes.....*”. Miffed by the response of the viewers, the Plaintiff has filed this frivolous suit to save their skin. Defendant No. 2 has shown a mirror to the Plaintiff, for deviating from the true ethics, principles of journalism and promoting an agenda of divisive politics. Mr. Tahir also defended the *infographic* by saying that in the past, the Plaintiff has indulged in similar *tweets*, which are highly objectionable and clearly exhibit the biased mindset of the Plaintiff against Islam. In this regard, he referred to a *tweet*, that was published on 2nd April, 2020 by one Mr. Rahul Kanwal, to the effect - “*56% of new # Corona Virus cases reported in India over past 72 hours can be traced back to Tablighi Jamaat. This is India’s version of South Korea’s Shincheonji Church of Jesus which led to 7000+ cases in that country. Jamaat responsible for 28% of India’s overall cases so far.*” It was, thus, argued that the *infographic* in question cannot be considered as defamatory since Defendant No. 2 has expressed his sentiments due to continuous wrongful acts of the Plaintiff. The Plaintiff being a main-stream media outlet needs to understand that they cannot adopt a discriminatory approach. Besides, the assertion of Defendant Nos. 1 and 2 is backed by the fundamental right to freedom of speech and expression and should be protected. The Plaintiff cannot discourage constructive criticism, expression of free and fair views of reporting or adverse comments on news reporting. Furthermore, the Plaintiff should be mindful about the importance of diverse views and not be averse to

⁴Avid or frequent users of the social media application Twitter (Lexico.com)

critical analysis of any news reporting.

ANALYSIS AND FINDINGS

13. The Court has considered the rival contentions of the parties. First, let us first take a closer look at the impugned *infographic* dated 15th April, 2021. It essentially contrasts headlines of two *tweets*. The graphic boxes, wherein the headlines have been displayed exhibit the brand logo, as well as the Twitter handle of the Plaintiff - '@India Today'. However, noticeably the link to the reports is not provided. The target line of the *tweet* is '*Same day, same channel, two different approaches*' and the title is shown in bold capital letters as 'INDIA TODAY'S ISLAMOPHOBIA'. The significant part of the *tweet* are the hashtags. In this *tweet*, the hashtags deployed are - '*IndiaToday*', '*Islamophobia*', '*Islamophobia_in_India*', '*Mahakumbh*', '*KumbhMela*' and '*KumbhMela2021*'. The use of a hashtag ('#') on Twitter is to categorize a *tweet* and this eventually helps while searching for a *tweet*. Thus, the impugned *tweet* would be shown in search results on Twitter, if one were to use the hashtags '*IndiaToday*', '*Islamophobia*' or any other hashtag(s) listed in the *tweet*.

14. With that, the Court shall now proceed to deal with the most potent legal defence raised by Defendant Nos. 1 and 2 i.e., the right to freedom of speech and expression. This invaluable and cherished right enshrined under Article 19(1)(a) of the Constitution of India, 1950 lies at the heart of Part III of our Constitution, and the Courts have protected it zealously. However, the right to freedom of speech and expression, comes with certain limitations or 'reasonable restrictions' as provided in the Constitution itself. Freedom of

speech does not entitle anyone to resort to speech that is defamatory. Cognizant of the sacrosanct right invoked by the Defendant Nos. 1 and 2, and the limitations attached thereto, the Court proceeds to delve into the issue whether an injunction is warranted in the facts of the present case.

15. In a suit for defamation, award of damages is normally considered as an adequate remedy. However, it does not necessarily imply that a Court cannot grant pre-trial injunction or order removal of a published defamatory article, pending trial. It is permissible, albeit in exceptional circumstances, as discussed hereinafter. Several precedents on this issue signify that the tendency of the Court is to afford the author of an alleged defamatory speech an opportunity to defend the publication, on the anvil of defences recognized by law. The author can defend his/ her statement as a fair comment, imputation of truth, public interest, expression in good faith etc. In this regard, it may be apposite to rely upon certain common law principles that have been well-settled over a period of time in matters relating to defamation. As far back as 1891, in *Bonnard v. Perryman*⁵, it was decided that an interim injunction should not be awarded unless a defence of justification by the Defendant was certain to fail at trial. The English Court's observations, which have been cited with approval by Indian Courts many times over, read as follows: -

“The subject-matter of an action for defamation is so special as to require exceptional caution in exercising the jurisdiction to interfere by injunction before the trial of an action to prevent an anticipated wrong. The right of free speech is one which it is for the public interest that individuals should possess, and, indeed, that they should exercise without impediment, so long as no

⁵ [1891] 2 Ch 269.

wrongful act is done; and, unless an alleged libel is untrue, there is no wrong committed; but, on the contrary, often a very wholesome act is performed in the publication and repetition of an alleged libel. Until it is clear that an alleged libel is untrue, it is not clear that any right at all has been infringed; and the importance of leaving free speech unfettered is a strong reason in cases of libel for dealing most cautiously and warily with the granting of interim injunctions.... In the particular case before us, indeed, the libellous character of the publication is beyond dispute, but the effect of it upon the Defendant can be finally disposed of only by a jury, and we cannot feel sure that the defence of justification is one which, on the facts which may be before them, the jury may find to be wholly unfounded; nor can we tell what may be the damages recoverable.”

16. On the defence of justification, it would be apt to refer to another English Court decision. In ***Crest Holmes Ltd. v. Ascott***⁶, wherein the Court of Appeals, dealt with a case where the trial judge had granted an interlocutory injunction against the Defendant who raised the plea of justification. The relevant portion is extracted as under: -

“(1) There was no reason to depart from the general rule that an interlocutory injunction will not be granted against a Defendant in a libel action if he intends to plead justification unless the Plaintiff can prove that the statement is untrue; (2) The Plaintiff had not shown that the Defendant's statement was untrue...the line of authority is long and weighty that interlocutory injunctions in these cases will not be granted unless the Plaintiff shows that the defence of justification will not succeed...”

17. In this regard, views of the Gujarat High Court in ***Housing Development Finance Corporation Ltd. and Ors. v. Sureshchandra V.***

⁶ [1980] FSR 396.

Parekh and Ors.⁷ are also relevant, wherein the Court has held as under: -

“85.....defence of justification cannot be a ground for refusal of interim injunction in any case and unless the defendants are able to show their bonafide by placing at least minimum sufficient evidence, the plea of justification cannot be accepted. If it is accepted, as argued by the defendants, then it would be so easy for everyone to first commit an offence and then to plead for justification and therefore the Court has to take care of the situation that if the defendant does not succeed in proving his justification, then how he would make the reputation of the victim in the same status as before.....”

18. Regarding the importance of protection of one's reputation, the Supreme Court in **Subramanian Swamy v. Union of India**⁸ whilst dealing with the constitutional validity of Sections 499 and 500 of the Indian Penal Code, 1860 and Section 199 of the Criminal Procedure Code, 1973, made the following observations: -

“140. We are in respectful agreement with the aforesaid enunciation of law. Reputation being an inherent component of Article 21, we do not think it should be allowed to be sullied solely because another individual can have its freedom. It is not a restriction that has an inevitable consequence which impairs circulation of thought and ideas. In fact, it is control regard being had to another person's right to go to Court and state that he has been wronged and abused. He can take recourse to a procedure recognized and accepted in law to retrieve and redeem his reputation. Therefore, the balance between the two rights needs to be struck. "Reputation" of one cannot be allowed to be crucified at the altar of the other's right of free speech. The legislature in its wisdom has not thought it appropriate to abolish criminality of defamation in the obtaining social climate.....”

⁷MANU/GJ/1556/2014.

⁸ (2016) 7 SCC 227.

19. It thus emerges that the right to free speech is paramount and serves as a strong defence in a defamation suit. Therefore, injunction should be granted with circumspection, as an exceptional remedy. Truth is a justification to an action against defamation, but the onus is on the Defendant to prove that the alleged defamatory statement is true. The defence of free speech would not hold, in case the Court finds the alleged defamatory statement to be completely false or untrue.

20. Defendant Nos. 1 and 2, in their written statement and in the oral submissions have strongly defended their action and seek an opportunity to make good their case. However, merely denying the assertion of the Plaintiff, without specifying the ambit of the defence is not enough. The Court could have deferred the grant of injunction till the conclusion of the trial, provided Defendant Nos. 1 and 2 had laid out the basis of sustaining their defence of justification. However, no material has been placed on record to support the comment, except for a *tweet* that has not been issued by the Plaintiff, but a third person. In the absence of any other specific instance of biased approach being shown, the plea of justification put forth by Defendant Nos. 1 and 2 remains uncorroborated and unsubstantiated. Rather, Defendant Nos. 1 and 2 seek to defend the *infographic* in its current form which means that the label of '*Islamophobia*' should be unmistakably manifest from the content of the *infographic* itself. In these circumstances, the Court has proceeded to examine if there is some element or foundation to justify the impugned comments. If, on a *prima facie* basis, the imputation made by Defendant Nos. 1 and 2 is correct, the Court would refrain from interfering or injuncting at this stage.

21. Now we go back to the factual scenario surrounding the *infographic* in question. The *infographic* makes a comparison of two *tweets*, completely ignoring the content of the report which is sought to be compared. One of the *tweet*'s, which forms the subject matter of comparison relates to a report on 'Shahi Snan' at 'Maha Kumbh'. The *tweet* and the relevant transcript of the report read as under: -

<https://twitter.com/IndiaToday/status/1382298281519194116?s=19>

"Lakhs take holy dip to mark third Shahi Snan at #Mahakumbh at #Haridwar watch #5iveLive, with @ShivAroor"



Transcript:

"Happening amidst the huge rise in cases on site the cases on the April 11th were 386 on 12th day they were 408 and on April 13 number of cases rose to 594 that's the situation that's worsening in Haridwar thanks to the kumbh mela..... even as the second covid wave rages on.....no social distancing no mask and all covid norms openly flouted, the appeals of religious leaders and the administration to adhere to covid protocols has been

*ignored..... Akhilesh Yadav who tested positive for covid-19 had been to Haridwar on Sunday during his visit he met Narendra Giri at his ashram who was down with covid and was in isolation..... while experts raise concern over the religious event threatening the lives of people Uttarakhand CM Tirath Singh Ravat stroked yet another controversy with his defence of the Mahakumbh.....Maha Kumbh is being held amid covid norms like mandatory RTPCR negative report and covid care and isolation **but the sheer numbers of devotees threaten to make it a super spreader event.....**”*

22. The afore-mentioned transcript clearly indicates that the report commented upon the non-adherence to the social distancing norms under the COVID-19 protocols, being flouted at the event. This content has been completely disregarded. Pertinently, the Plaintiff has posted another *tweet* on the same day i.e., 14th April, 2021, prior to Defendant Nos. 1 and 2 posting the impugned *infographic*, which again has also been ignored entirely. The said *tweet*, report and extract of the transcript reads as under: -

<https://twitter.com/IndiaToday/status/1382182332048707585>

7585) “Covid protocols go for a toss during Kumbh Mela 2021

@JournoAshutosh’s Report” on 14.02.2021 at 9:32 a.m.



Transcript:

“Amidst the unprecedented surge in covid cases more than 3 million devotees have taken a holy dip in ganga river in mahakumbh in Haridwar covid protocol have gone for an absolute toss as devotees they are the ones who are maintaining absolute zero social distancing.....a sea of devotees at kumbh mela throwing all covid norms to the wind.....30 lac devotes will take the third holy dip.....no masks no social distancing more than 20 lac devotees, saints and seers attended the mahakumbh in haridwar.....they have been gathering in huge number and that’s why the social distancing has been a biggest challenge..... the local administration had made big claims on enforcing covid appropriate behaviour..... but on the ground were unable to quite do it..... according to SOP issued a negative RTPCR is mandatory for visitors..... those who show symptoms or turn positive are turned back..... at a time when covid across the country is exploding including in Utrakhand itself shouldn’t such large gatherings like Kumbh that threaten to become super spreaders be banned..... this is indeed the biggest challenge for the administration to have a successful biggest religious congregation at Haridwar.....”

23. The afore-noted report is also in relation to the ‘Kumbh Mela’. Now, if one were to do a headline-to-headline/ or content comparison of the afore-noted report with the one relating to the ‘Ramadan’ gathering, it shows no different approach by the Plaintiff. The same words have been expressed in both the headlines:-



In fact, the report pertaining to ‘*Ramadan*’ also makes a reference to the earlier report pertaining to the ‘*Kumbh Mela*’ by stating that the gathering at the ‘*Mecca Masjid*’ ‘*is no different than the Kumbh Mela*’. The transcript pertaining to the ‘*Ramadan*’ report reads as under: -

Transcript:

*“The first day of the month of Ramzan and people are fringing mosques in large numbers on the eve of this month people gathered in large numbers in Hyderabad’s Mecca Masjid for the first taravi prayers after the citing of the moon social distancing norms **even here just like the Kumbh Mela went for a toss** as most of those who are offering prayers were seen without masks or social distancing. This particular prayer meeting of Ramzan **is no different than the Kumbh Mela** that the visual we brought to you from Haridwar as well...”*

24. Moreover, Defendant Nos. 1 and 2 have also chosen to completely ignore the prior reports, wherein the Plaintiff has continuously reported about violations of COVID-19 protocols at the ‘*Kumbh Mela*’. That apart, the stance of Defendant Nos. 1 and 2 that Plaintiff’s anchor, Mr. Rajdeep Sardesai admitted the mistake in a subsequent *tweet* on 17th April, 2021 is a distortion of the facts. The said *tweet* reads as under: -



As one can easily discern, Mr. Sardesai, in his *tweet*, states that ‘ALL’ religious festivals wherein COVID-19 protocols were violated, have been reported. He then says that ‘*we may all make mistakes*’ but ‘*don’t cherry pick tweets*’. The reference to making mistakes is a general statement and is not an admission of a biased approach on part of the Plaintiff. This does not in any way justify the portrayal in the *infographic*.

25. On the basis of the afore-noted undisputed material placed on record, the Court finds that the *infographic* in question has made a wrong comparison of two *tweets* to insinuate that the Plaintiff is biased towards the Muslim community. Defendant Nos. 1 and 2 have, through the *infographic*, and use of the term ‘*Islamophobia*’ levelled a very serious allegation against the Plaintiff i.e., of being prejudiced against the Islam religion or Muslims. The Plaintiff has pointed out that the UN Human Rights Commission in its Resolution No. 7/19 has considered ‘*Islamophobia*’ to be a human rights

violation. The accusation of having different approaches i.e., biased reporting is patently a surmise that is unsubstantiated from the material on record. Defendant Nos. 1 and 2 have contended that the comparison is just of the headlines and that most of the *Twitterati*, would only go by that and not by the actual content of the report. This still does not justify the imputation, which categorizes the Plaintiff to be ‘*Islamophobic*’. Besides, the headline comparison has been done selecting the reports which support this false claim, ignoring the report that contradicts the same. Moreover, Defendant Nos. 1 and 2 have just put in a photo of the headline without providing an access or a link to the actual report. Thus, the users of the Twitter platform are compelled to form their opinion by a comparison of the headlines, without verifying or viewing the actual news reports to form an independent view. In the present scenario, as discussed above, the Court has come to the inevitable conclusion that the *infographic* shared by Defendant Nos. 1 and 2 is false, misleading, and unarguably defamatory. It is plain that the justification is bound to fail, as there is no cogent authentic material to support the imputations. The above factors clubbed together inescapably lead to the *prima facie* conclusion that Defendant Nos. 1 and 2, acted in a *mala fide* manner.

26. Lastly, the Plaintiff being in the business of dissemination of news, is expected to be unbiased in its reporting. Defendant Nos. 1 and 2 in subsequent *tweets* claim that the *infographic* has gone viral. The imputation that the Plaintiff – a news channel, has two different approaches means that the Plaintiff adopts a biased approach while reporting events pertaining to the Hindu community and Muslim community. This can serve as the death knell for a news channel which is expected to be fair, balanced and non-partisan.

Indeed, the Plaintiff has pointed out that one person, on the basis of the impugned *infographic*, commented that ‘*islamophobia is in plain sight*’ and then, she went on to say that she regrets working for an organization like the Plaintiff. The Court also notes that although the *tweet* may have stopped being in active circulation, it has not disappeared and can re-surface whenever a search is made on the basis of the hashtags deployed therein. Moreover, in the 21st century digital world, the electronic records on the Internet proliferate and disseminate swiftly, are never completely erased and are capable of inflicting irreparable harm. Thus, the depiction in the *infographic* being *ex-facie* untrue, evidently defamatory, will continue to damage the reputation of the Plaintiff, if not ordered to be taken down.

RELIEF

27. In view of the foregoing, the Plaintiff has established a *prima facie* case in its favour. The balance of convenience also lies in favour of the Plaintiff and in these circumstances, it cannot be ruled out that no amount of compensation, would restore the damage the Plaintiff would suffer in case the *tweet*, *infographic* and the related posts continue to be visible. Accordingly, during the pendency of the suit, Defendant Nos. 1 and 2 are directed to block forthwith, the *tweet*, *infographic* and the related posts from their Twitter handle ‘@TheCognate’, Facebook page ‘@TheCognate’, Instagram page ‘@thecognate’ and other social media or any other website on the internet, in print or electronically or other media within a period of one week from the date of the receipt of this order. In the event, the Defendant Nos. 1 and 2 fail to comply with the said direction within the specified time period, Defendant Nos. 3, 4 and 5 are directed to take down/ block the following URLs: -

“Social Media Posts of the Defendant No. 1:

- [https://twitter.com/TheCognate_/status/1382660230975131648\)](https://twitter.com/TheCognate_/status/1382660230975131648)
- <https://www.instagram.com/p/CNr3Wnyr6DR/>
- <https://www.facebook.com/TheCognate/photos/a.945508248950190/1843034639197542/>
- https://twitter.com/TheCognate_/status/1383353042993487872
- <https://www.facebook.com/TheCognate/posts/1844372335730439>

Social Media Posts of Defendant No. 2:

- [https://www.facebook.com/Zaknetic/posts/1838005459713942”](https://www.facebook.com/Zaknetic/posts/1838005459713942)

28. With the aforesaid directions, the present application is allowed.

CS(OS) 246/2021

29. List before the Joint Registrar on the date already fixed i.e., 22nd July, 2021.

30. Copy of this order to be e-mailed to counsel for the parties.

SANJEEV NARULA, J

JUNE 3, 2021/nd

(corrected and released on 13th June, 2021)