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

+ **CS(OS) 95/2022 & I.A. No. 2758/2022(u/s 151CPC)**

DR. VIKRAM SAMPATH

..... Plaintiff

Through: Mr. Raghav Awasthi with Mr.
Mukesh Sharma, Advocates.

versus

DR. AUDREY TRUSCHKE & ORS.

..... Defendants

Through: Mr. Jawahar Raja for D-3
Mr. Sajan Poovayya, Sr. Advocate,
Mr. Saransh Jain, Ms. Shloka
Narayanan, Mr. Shaurya Rai and Ms.
Sriparna Dutta Choudhury Advocates
for Twitter Inc. D-4
Mr. Amit Mahajan with Mr. Syed
Husain Adil Taqvi, Advocate for D-5

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **18.02.2022**

**I.A. No. 2759/2022 (for exemption from certified/ original/ typed/ clear/
dim copies of the documents filed)**

1. Subject to the plaintiff filing the certified copies of the documents relied upon and clear and legible copies of any dim documents relied upon within four weeks from today, exemption is granted for the present.

2. The application is disposed of.

CS(OS) 95/2022

3. Let the plaint be registered as a suit.

4. Issue Summons.

5. Summons are accepted on behalf of defendants no. 3, 4 and 5.



6. Let summons be issued to the remaining defendants through all permissible modes.
7. The written statement shall be filed within thirty days from the receipt of summons. Along with the written statements, the defendant shall also file an affidavit of admission/denial of the documents of the plaintiff.
8. Liberty is granted to the plaintiff to file replication to the written statement within fifteen days from the receipt of the written statement. Along with the replication filed by the plaintiff, an affidavit of admission/denial of the documents of the defendant, be filed by the plaintiff.
9. List before this Court on 1st April, 2022.

I.A. No. 2757/2022 (u/O-XXXIX R-1 & 2 of CPC)

10. The present suit has been filed on behalf of the plaintiff seeking relief of permanent injunction against the defendants restraining them to publish the letter dated 11th February, 2022 jointly authored by defendants no. 1, 2 and 3 or any other defamatory material along with damages of Rs.2,00,00,100/-.
11. The plaintiff is an author who has written a two-volume biography of Sh. Vinayak Damodar Savarkar titled as “SARVARKAR echoes from the forgotten past”. He is also a fellow of the Royal Historical Society in London. He has been awarded the prestigious Sahitya Akademi Yuva Puraskar and has also won the New York’s ARSC Award for Excellence in Historical Research. The plaintiff has also been a Senior Research Fellow at the Nehru Memorial Museum and Library, New Delhi.
12. The grievance of the plaintiff is with regard to letter dated 11th February, 2022 written by the defendants no. 1, 2 and 3 addressed to the President of the Royal Historical Society. In the said letter allegations have



been made that the plaintiff has plagiarized the works of Dr. Vinayak Chaturvedi, Dr. Janki Bakhle and of Dr. Paul Schaffel.

13. It is contented on behalf of the plaintiff that wherever he has taken extracts from the works of the aforesaid persons, he has cited/footnoted the same and has given due credit for the same. He further submits that Dr. Janki Bakhle has in fact reviewed the book written by the plaintiff in India Today Magazine and has no grievance with regard to any plagiarism.

14. On the basis of the publication of the letter dated 11th February, 2022, several defamatory tweets have been posted at various social media platforms including Twitter which has caused great harm to the reputation of the plaintiff as a known academic. Plaintiff has taken me through various extracts which are quoted in the aforesaid letter to show that he has given due credit and has footnoted the said works.

15. Mr. Jawahar Raja, counsel appearing on behalf of the defendant no. 3 seeks time to file reply and opposes grant of *ad interim* injunction. He submits that plagiarism which is alleged in the said letter is in a broader context than near infringement of copyright.

16. Senior counsel appearing on behalf of the defendant no. 4 Twitter submits that Twitter is only an intermediary and if particular URLs of defamatory posts are provided, pursuant to Court orders, the same can be taken down by Twitter.

17. Issue Notice.

18. Notice is accepted on behalf of defendants 3,4 and 5.

19. Let notice be issued to the remaining defendants through all permissible modes.

20. Reply be filed within three weeks.



21. Rejoinder, if any, be filed within 2 weeks thereafter.
22. List on 1st April, 2022
23. In my view, plaintiff has made a *prima facie* case for grant of *ad interim* injunction in his favour. The continued publication of the aforesaid letter has been causing considerable harm to the plaintiff's reputation and career. Balance of convenience is in favour of the plaintiff and further irreparable harm and injury would be cause to the plaintiff if *ad interim* injunction is not granted.
24. Consequently, till the next date of hearing, defendants no. 1, 2, and 3 are restrained from posting the letter dated 11th February, 2022 or any other defamatory material in respect of the plaintiff on the platform of defendant no. 4 as well as any other online or offline platforms.
25. Compliance of order XXXIX Rule 3 of the CPC be done within one week.

AMIT BANSAL, J

FEBRUARY 18, 2022

Sakshi R.