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

+ **CS(OS) 95/2022**

DR. VIKRAM SAMPATH

..... Plaintiff

Through: Mr. Raghav Awasthi, Mr. Mukesh
Sharma and Mr. Lohitaksha Shukla,
Advocates.

versus

DR. AUDREY TRUSCHKE & ORS.

..... Defendants

Through: Mr. Jawahar Raja, Mr. Archit Krishna
and Ms. Varsha Sharma, Advocates
for D-2.

Mr. Sajan Poovayya, Senior Advocate
with Mr. Saransh Jain, Ms. Shloka
Narayanan, Mr. Shaurya Rai and Ms.
Sriparna Dutta Choudhury, Advocate
for Twitter Inc./D-4.

Mr. Amit Mahajan, CGSC for D-5.

Mr. Dushyant K. Mahant, Advocate
for D-6.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **24.02.2022**

[VIA VIDEO CONFERENCING]

I.A.3130/2022 (for Exemption)

1. Subject to the plaintiff filing left margin copy and typed copies of the annexures within four weeks, on which the plaintiff may seek to place reliance, exemption is granted for the present.
2. The application is disposed of.



IA No.3129/2022(u/O.VII R.14 CPC)

3. This is an application filed on behalf of the plaintiff under Order VII Rule 14 of the Code of Civil Procedure,(CPC), 1908, for placing on record additional documents which have recently come to the knowledge of the plaintiff.

4. Since the suit is at an early stage, I am of the view that the said documents can be allowed to be taken on record at this stage.

5. The application is allowed and the documents filed along with the application are taken on record.

I.A.3126/2022 (O-VI R-17)

6. Counsel for the plaintiff submits that he would take steps for deletion of defendants No.6 and 7 from the array of the parties. He further seeks leave of the Court to withdraw the present application to file fresh application.

7. The same is dismissed as withdrawn.

I.A.3127/2022 (for correction of order dt.18.2.2022)

8. Counsel for the plaintiff seeks to withdraw the present application.

9. The same is dismissed as withdrawn.

I.A.3128/2022 (O-I R-10 CPC)

10. Issue notice. Notice is accepted by counsels appearing on behalf of defendants No. 2, 4, and 5.

11. Notice be issued to the remaining defendants.

12. Notice be also issued to the proposed defendant, namely, Meta Platform Incorporation, returnable on 01st April, 2022.

IA No.3125/2022(u/O.XXXIX R.1 & 2 CPC)

13. This application has been filed under Order XXXIX Rules 1 and 2 of



the CPC on account of subsequent facts that have come to the knowledge of the plaintiff. Finding a *prima facie* case in favour of the plaintiff, this Court vide order dated 18th February, 2022 had granted *ad interim* injunction order in favour of the plaintiff restraining defendants No.1, 2 and 3 from publishing the letter dated 11th February, 2022 or any other defamatory material with respect to plaintiff on Twitter as well as any other online or offline platforms. Subsequently, the plaintiff has come across another letter dated 15th February, 2022 written by defendants No.1, 2 and 3 to the President of the Royal Historical Society, London making similar allegations of plagiarism against the plaintiff. The plaintiff has also come across an email dated 14th February, 2022 written by defendant No.1 in which similar allegations of plagiarism have been made in respect of the plaintiff. To be noted, the aforesaid letter dated 15th February, 2022 has also been posted on the Twitter handle of defendant No.1. Plaintiff has also taken me through various other defamatory tweets posted by defendant No. 1 against the plaintiff on her twitter handle. Plaintiff has also provided the various URLs in respect of these offending posts.

14. Issue notice.

15. Notice is accepted by counsels appearing on behalf of defendants No. 2, 4, and 5.

16. Issue notice to the remaining defendants through all permissible modes. Let notice be also issued to Meta Platform Incorporation, returnable on 01st April, 2022.

17. In my view, plaintiff has made a *prima facie* case for grant of *ad interim* injunction in his favour. Balance of convenience is also in favour of the plaintiff and further irreparable harm and injury would be caused to the



plaintiff if an *ad interim* injunction is not granted.

18. Consequently, following the order passed by this Court on 18th February, 2022, it is directed that :

- (i) Defendants No.1, 2 and 3 are restrained from posting the letter dated 15th February, 2022 and the email dated 14th February, 2022 or any other defamatory material in respect of the plaintiff on Twitter, Facebook or any other online or offline platforms.
- (ii) Defendants No.4 is also directed to take down the following tweets within 36 hours from passing of this order:
 - (a) <https://twitter.com/AudreyTruschke/status/1494309299115470854?t=P01HXoeNvyrR2Mw1MfVqfA&s=19>
 - (b) <https://twitter.com/AudreyTruschke/status/1494309299115470854?t=g1uXmnF6vDrG085A9LcA&s=19>
 - (c) <https://twitter.com/AudreyTruschke/status/1494496816028692516?t=8A766uQ2VV7oCYvHVMKpYg&s=19>
 - (d) <https://twitter.com/AudreyTruschke/status/1494634811021004823?t=hYiXrARd9JhvfFltdM QpQ&s=19>
 - (e) <https://twitter.com/AudreyTruschke/status/1494634811021004823?t=VgrnNRTLLT942W6R2RKDAg&s=08>

19. Compliance report under Order XXXIX Rule 3 of the CPC be filed within three days from today.

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20. List before this Court on 01st April, 2022, the date already fixed.

AMIT BANSAL, J.

FEBRUARY 24, 2022

ak/dk