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

+ **CS(OS) 95/2022 & I.A. No. 2758/2022 (u/S-80(2) of CPC)**

DR. VIKRAM SAMPATH

..... Plaintiff

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

versus

DR. AUDREY TRUSCHKE & ORS.

..... Defendants

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

Ms. Vrinda Grover, Mr. Prasanna S.,
Mr. Soutik Banerjee, Ms. Devika
Tulsiani and Ms. Mannat Tipnis,
Advocates for D-3.

Ms. Shloka N., Advocate for D-4.

Mr. Amit Mahajan, CGSC, Mr. Imon
Bhattacharya and Mr. Dhruv Pande,
Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **01.04.2022**

I.A. No. 5080/2022 (for directions)

1. The present application has been filed by the plaintiff, seeking exemption from serving the defendants via physical modes, i.e., speed-post/courier.

2. For the reasons stated in the application, the same is allowed.

I.A. No. 2757/2022 (u/O-XXXIX R-1 & 2 of CPC), I.A. No. 3125/2022 (u/O-XXXIX R-1 & 2 of CPC) & IA No. 3591/2022 (u/O XXXIX R-1 & 2 of CPC)

3. The counsels appearing on behalf of the defendants no. 2 and 3 seek



time to file replies to the aforesaid applications.

4. Upon the plaintiff taking steps, fresh notice be issued to the defendant no.1 through email.
5. Let the replies be filed within four weeks.
6. Rejoinder(s) thereto, if any, be filed before the next date of hearing.
7. The counsel for the defendant no. 3 states that compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) has not been made by the plaintiff as notice was issued on the email address president@scu.edu, which is the email address of the president of the Santa Clara University. She further submits that the defendant no. 3 has never posted the tweets in respect of which the applications have been filed.
8. The counsel for the plaintiff submits that the said email address is the only email address available with the plaintiff in respect of the defendant no. 3 and which has been mentioned in the memo of parties. The counsel for the plaintiff states that the compliance of Order XXXIX Rule 3 of the CPC was also made through courier service and in this regard, has placed on record, the courier dispatch receipts.
9. The aspect of the compliance of Order XXXIX Rule 3 of the CPC shall be considered on the next date of hearing.
10. The counsel appearing for the defendant no. 4, Twitter, Inc., states that an affidavit of compliance has been filed on behalf of the defendant no. 4 in respect of the order dated 24th February, 2022.
11. List on 28th July, 2022.

I.A. No. 3592/2022 (u/O-VI R-17 of CPC)

12. This is an application seeking amendment of the plaint to incorporate fresh posts of the defendant no.1 on the platforms of defendant no.4 and Meta Platforms Inc., that came to the knowledge of the plaintiff after the suit



was filed.

13. Since the suit is at an early stage and no written statement has been filed, I see no reason as to why the aforesaid amendments not be allowed.

14. The application is allowed.

IA 3128/2022 (u/O-I R-10 of CPC)

15. It is unclear whether notice has been served on the proposed defendant Meta Platforms Inc., pursuant to the order dated 24th February, 2022.

16. Upon the plaintiff taking steps, let fresh notice be issued to Meta Platforms Inc., through email, returnable on 28th July, 2022.

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17. Let the amended plaint be filed within one week and a copy thereof be supplied to the counsels for the defendants no.2, 3, 4 and 5.

18. Fresh summons be issued the defendant no.1 through email.

19. Let the written statement(s) to the amended plaint be filed within thirty days.

20. The written statement(s) be filed without apostilization.

21. Liberty is granted to the plaintiff to file replication(s) within fifteen days from the receipt of the written statement(s).

AMIT BANSAL, J

APRIL 1, 2022

Sakshi R.