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

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

DR. VIKRAM SAMPATH

..... Plaintiff

Through: **Mr. Mukesh Sharma, Advocate.**

versus

DR. AUDREY TRUSCHKE & ORS.

..... Defendants

Through: **Mr. Jawahar Raja with Mr. Archit Krishna, Advocate for D-2.**

Mr. Amit Mahajan, CGSC for UOI.

Mr. Saransh Jain with Ms. Shloka N.,

Mr. Ankit Agarwal and Mr. Shaurya

R. Rai, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **02.05.2022**

I.A. 6772/2022 (u/O-XXXIX R-1 & 2 of C)

1. The present application has been filed on behalf of the plaintiff under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908, seeking a direction for taking down of further defamatory tweets posted by the defendant no.1 on the platform of the defendant no.4/Twitter.
2. Despite *ad interim* injunction passed by this Court vide orders 18th February, 2022 and 24th February, 2022, the defendant no.1 continues to post defamatory material against the plaintiff on the platform of the defendant no. 4/Twitter.
3. Further, the defendant no.1 has failed to enter appearance before this Court.
4. A *prima facie* case is made out on behalf of the plaintiff.



5. In my view, the tweets with regard to the subject matter of the present application are defamatory in nature and there is a link posted in the said tweets to the very same letters, the publication of which was injuncted by this Court vide orders dated 18th February, 2022 and 24th February, 2022.

6. In view of the fact that the defendant no.1 has not submitted to the jurisdiction of this Court and is not appearing in these proceedings, the defendant no.4/Twitter is directed to take down the following tweets as mentioned in prayer 'a' of the present application:

PARTICULARS
https://twitter.com/AudreyTruschke/status/1514691715763953668?s=20
https://twitter.com/AudreyTruschke/status/1514692373271531526?s=20
https://twitter.com/AudreyTruschke/status/1514694827383869440?s=20
https://twitter.com/AudreyTruschke/status/1514698547605782534?s=20
https://twitter.com/AudreyTruschke/status/1516056017523527680?t=9RwwSMxdnu8Nywe05TwKtw&s=03

7. Reply, if any, be filed within four weeks.

8. Re-notify on 28th July, 2022, i.e., the date already fixed.

I.A. 6773/2022 (for VC hearing)

9. In view of the fact that the counsel on behalf of the applicant/plaintiff has appeared in person and made submissions on the application, he seeks to withdraw the present application.



10. The application is dismissed as withdrawn.

AMIT BANSAL, J.

MAY 2, 2022
at