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

+ **CS(OS) 172/2020**

BENNETT, COLEMAN & COMPANY LTD. Plaintiff

Represented by: Mr.Kunal Tandon, Advocate.

versus

SAMEET THAKKAR & ANR Defendant

Represented by: Ms.Snigdha Singh, Advocate for
defendant No.1.

Mr.Deepak Gogia, Advocate for
defendant No.2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **17.07.2020**

The hearing has been conducted through Video Conferencing.

I.A.5756/2020 (exemption from filing notarised affidavit-by plaintiff)

1. Plaintiff/applicant is exempted from filing the affidavit in support of the applications at this stage. The same be filed within one week of resumption of the normal functioning of the Court.
2. Application is disposed of.

I.A.5757/2020 (under Order VI Rule 17 CPC –by plaintiff)

1. Issue notice.
2. Learned counsel for the defendant Nos.1 and 2 accept notice.
3. Learned counsel for the defendant No.2 states that he has no objection to the application being allowed, however, learned counsel for the defendant No.1 objects to the same stating that this application has been filed in view of the application of the defendant No.1 seeking return of the plaint besides

rejection.

4. Reply affidavit, if any, by defendant No.1 be filed within four weeks.
5. Rejoinder affidavit be filed within three weeks thereafter.
6. List on 23rd September, 2020, the date already fixed.

I.A.5755/2020 (exemption from filing court fees and notarised affidavit-by defendant No.1)

1. Defendant No.1/applicant is exempted from filing the court fees and the notarised affidavit at this stage. The same be filed within one week of the resumption of the normal functioning of the court.
2. Application is disposed of.

I.A.5754/2020 (under Order VII Rule 10 and 11 CPC-by defendant No.1)

1. Issue notice.
2. Learned counsel for the plaintiff/non-applicant accepts notice.
3. Reply affidavit be filed within four weeks.
4. Rejoinder affidavit be filed within three weeks thereafter.
5. List on 23rd September, 2020, the date already fixed.

I.A.No.5505/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. This application has been taken up on mentioning by learned counsel for the defendant No.2 who states that in paragraph-11 of the order dated 13th July, 2020 inadvertently in the last but one line instead of 'defendant No.1' the word 'defendants' has been typed.
2. A perusal of the order dated 13th July, 2020 in para-11 indicates that the same was directed against defendant No.1 and in the last but one line of the para-11 'defendants' has been wrongly typed.

3. Consequently, para-11 of the order dated 13th July, 2020 will now read as under:

“11. Considering the nature of tweets of the defendant No. 1 as noted in para 7 of the application and the retweets thereafter the plaintiff has made out a prima facie case in its favour and in case no ad interim injunction is granted, the plaintiff will suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiff. Consequently, this Court finds it fit to grant an ad-interim injunction in favour of the plaintiff and against the defendant No.1 in terms of prayer (a) of the application under Order XXXIX Rule 1 and 2 CPC. Ordered accordingly.”

4. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JULY 17, 2020
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