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

+ **CS(OS) 317/2022**

JITENDRA CHOUKSEY & ANR.

..... Plaintiffs

Through: Mr. Rajshekhar Rao, Sr. Advocate
with Mr. Akshay Bhatia, Ms.
Meherunissa Anand Jaitley and Ms.
Yamini Mookherjee, Mr. R.
Sudhinder and Mr. Udit Mendiratta,
Advocates.

versus

AMAN DUGGAL & ORS.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

30.05.2022

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I.A. 8772/2022 (for exemption)

1. Subject to the plaintiffs filing the original/ certified/ typed copies of the documents relied upon within four weeks from today, exemption is granted for the present.
2. The application is disposed of.

I.A. 8774/2022 (u/S 151 CPC)

3. Plaintiffs are given liberty to produce videographic evidence in the form of compact disks along with supporting affidavit.
4. The application stands disposed of in the above terms.

I.A. 8775/2022 (u/S 151 CPC)

5. For the reasons stated in the present application the same is allowed.
6. The application is disposed of.



CS(OS) 317/2022

7. Let the plaint be registered as a suit.
8. Issue summons in the suit through all permissible modes. The summons shall indicate that the written statement(s) shall be filed within thirty days from the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs.
9. Liberty is granted to the plaintiffs to file replication(s) to the written statement(s) within fifteen days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants, be filed by the plaintiffs.
10. List before the Court on 2nd September, 2022.

I.A. 8773/2022 (O-XXXIX R-1 & 2)

11. The present suit has been filed for permanent and mandatory injunction along with damages and compensation on account of defamation.
12. The plaintiff no.2 company owns and operates a popular online application named 'Fittr', which provides coaching to attain physical as well as mental fitness.
13. The plaintiff no.1 is the founder and director of the plaintiff no.2 company. Since commencing its business from 2015, the plaintiffs have acquired great deal of reputation in India as well as around the globe.
14. The defendants no.1 and 2 claim themselves to be fitness coaches. The defendant no.2 was also an ex-consultant with the plaintiff no.2 company.
15. It is averred in the plaint that the defendant no.1 has been



continuously publishing and circulating defamatory videos and posts in the social media platforms such as Youtube, Facebook and Instagram. Attention of the Court has been drawn to various documents filed along with the plaint, whereby, defamatory posts have been made on Instagram, Facebook, and other social media, including Youtube, where the defendant no.1 runs his video blog.

16. A criminal complaint was filed on 14th March, 2017 by the plaintiff no.1 before the Pune Police. The defendant no.1 admitted his guilt before the Pune Police and apologized to the plaintiff no.1 and promised that he will remove the defamatory videos that were posted by him on the social media.

17. In early May, 2022, the plaintiffs came to know about fresh defamatory posts made by the defendant no.1. On 7th May, 2022, the plaintiff no.1 received an e-mail from one of coaches of the plaintiff no.2 company, Ms. Kanika Gupta, bringing to the notice of the plaintiff no.1 about the defamatory posts published by the defendants no.1 and 2.

18. Issue notice.

19. Notice be issued to the defendants through all modes.

20. Reply be filed within four weeks.

21. Rejoinder, if any, be filed before the next date of hearing.

22. A long list of posts and video transcripts have been placed on record which show that the defendants no.1 and 2 have *prima facie* made libellous insinuation and threats not only against the plaintiffs but also the family members of the plaintiff no.1. URL of some of the posts have been given in paragraph 21 of the plaint. The aforesaid posts are likely to cause grave damage to the reputation of the plaintiffs.

23. From the averments made in the plaint and the documents filed



therewith, this Court finds that the plaintiffs have made out a *prima facie* case in their favour and in case no ex-parte ad-interim injunction is granted to the plaintiffs, they would suffer an irreparable loss. Balance of convenience also lies in favour of the plaintiffs and against the defendants no.1 and 2.

24. Consequently, till the next date of hearing, the defendants no.1 and 2 are restrained from in any manner creating, publishing, circulating or posting any defamatory material against the plaintiffs in any social media including Youtube. The defendants no.1 and 2 are further directed to withdraw/take down the defamatory posts/videos uploaded by the defendant, as described in paragraph 21 of the plaint, against the plaintiffs and their officials within one week of the receipt of this order.

25. In case the defendants no.1 and 2 fails to take down the aforesaid videos and the posts, which are *prima facie* defamatory, within two weeks of the service of this order to the defendants no.1 and 2, on intimation by the plaintiffs to the counsels for the defendants no.3 and 4 giving specific URLs as mentioned in paragraph 21 of the plaint, the defendants no.2 and 3 will take down the impugned videos/posts within 72 hours of the receipt of the intimation from the plaintiffs.

26. Compliance report under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be filed within three days.

27. Liberty is given to the plaintiffs to place additional documents on record.

28. List on 2nd September, 2022.

AMIT BANSAL, J.

MAY 30, 2022/at