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

+ **CS(OS) 436/2022 & I.A. 11897/2022**

SMRITI ZUBIN IRANI

..... Plaintiff

Through: Mr. Rajiv Nayar, Sr. Advocate
with Mr. Kirat Singh Nagra, Mr.
Kartik Yadav, Mr. Manhar Singh
Saini and Ms. Sumedha Chadha,
Advocates.

versus

PAWAN KHERA & ORS.

..... Defendants

Through: Mr. Muhammad Ali Khan, Mr.
Omar Hoda, Mr. Eesha Bakshi,
Mr. Uday Bhatia, Mr. Arjun
Sharma and Mr. Kamran Khan,
Advocates for D-1 to 3.
Ms. Mamta Rani Jha, Mr. Rohan
Ahuja, Ms. Shruttima Ehersa and
MS. Diya Viswanath, Advocates
for D-4.
Ms. Sanjana Saddu, Mr. Lavam
Tyagi and Ms. Surbhi Arora,
Advocates for D-5.
Ms. Shloka N, Advocate for R-6.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.02.2024

I.A. 12915/2022 (exemption from filing apostilled affidavits by D-6)

This is an application on behalf of defendant No.6 for exemption from filing apostilled affidavits. With the consent of learned counsel for the parties, the application is allowed.

The application stands disposed of.

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I.A. 21373/2022 (permission to file videographic evidence)

This is an application filed on behalf of defendant No.1 for permission to file videographic evidence with the written statement. With the consent of learned counsel for the parties, the application is allowed.

The application stands disposed of.

I.A. 12688/2022 (by defendant No.4 for modification of order dated 29.07.2022), I.A. 18616/2022 (by defendant No.5 for modification of order dated 29.07.2022) & I.A. 13166/2022 (by defendant No.6 for modification of order dated 29.07.2022)

1. These three applications have been filed by defendant Nos. 4, 5 and 6 for modification/clarification of the order of this Court dated 29.07.2022.
2. Defendant Nos. 4, 5 and 6, all the intermediaries under the Information Technology Act, 2000, seek modification/clarification of the following directions in the said order:

“40. In view of the aforesaid, I deem it expedient to pass an ad-interim injunction directing defendant Nos. 1, 2 & 3 to delete and remove the allegations, video of impugned Press Conference dated 23.07.2022 and the contents linked to the same as set out in document 2 and 3 of the plaint, published against the plaintiff from all the social media platforms, namely, Youtube, Facebook, Instagram and Twitter. Further, the defendant Nos. 4 to 6 are also directed to remove the allegations, videos, posts, tweets, re-tweets, captions, taglines along with the morphed pictures of the plaintiff and her daughter along with the underlined material with such defamatory content or anything similar thereto including recirculation on their respective platforms.

41. In the event defendant Nos. 1, 2 & 3 fail to comply with the directions as hereinabove within 24 hours of pronouncement of this order, defendant Nos. 4 to 6 are directed to take down the tweets and other materials on the URLs as well as other tweets which may appear in the plaint thereof. In addition to contents as contained in Document 2 and 3 attached with the plaint, the plaintiff is at the liberty to inform the defendant Nos. 4 to 6 about any tweets or any other social media



content etc. which needs to be taken off.”

3. Learned counsel for the applicants submit that the difficulty, as far as the intermediaries are concerned, arises from a potential ambiguity in the order which obliges them to remove the content described in paragraph 40 from their platforms and includes removal of “*anything similar thereto*”.

4. Mr. Rajiv Nayar, learned Senior Counsel for the plaintiff, states that the injunction has already been substantially complied with, and as far as the plaintiff is aware, most of the impugned URLs have already been taken down.

5. After hearing learned counsel for the parties, for the future, it is clarified that the procedure to be adopted for taking down of any URL, in terms of the order dated 29.07.2022, will be as follows:-

- a. If the plaintiff considers any content on the platform of defendant Nos. 4 to 6 to be violative of the order of injunction, learned counsel for the plaintiff will address a communication (with identification of the specific URLs) to the person or entity, which has uploaded the content, with a copy of the order dated 29.07.2022 and this order, requesting them to take down the content.
- b. If the request is not complied with within three days after receipt, the plaintiff may approach defendant Nos. 4 to 6, as the case may be, with a request to take down the specified URL.
- c. In the event the concerned intermediary accepts that the content published on its platform is violative of the order of injunction, the content will be taken down within three days after receipt of the



request.

d. If defendant Nos. 4 to 6 are of the view that the content in question, is not covered by the order of injunction, they will inform the plaintiff within three days thereafter. In such an eventuality, the plaintiff will be free to move an application before the Court.

6. In the event of any subsequent URLs, in respect of which the plaintiff seeks compliance of this order, an affidavit will be filed every three months alongwith the content of the URL, the steps taken in compliance of this order and the transcript of the content in question.

7. The applications stand disposed of.

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1. Mr. Nayar states that learned counsel for the plaintiff has filed an amended memo of parties amending the name of defendant No. 6, which was originally impleaded as “Twitter Communications India Private Limited”, with its new name, viz. “X Corp.”. With the consent of learned counsel of the plaintiff and defendant No.6, the Registry is directed to place the amended memo of parties in the pleadings folder of the electronic record.

2. List before the Joint Registrar on 22.04.2024 for completion of pleadings in the suit and pending applications, admission/denial of documents and marking of exhibits.

3. List before the Court on 12.08.2024.

4. Interim orders to continue until the next date of hearing.

PRATEEK JALAN, J

FEBRUARY 29, 2024/SS/

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